

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

SEP 29 1971

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
 (GOV. CODE 11380.1)

SEP 29 1971

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: September 29, 1971

By: [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

SEP 29 1971

At 9:16 o'clock 9 M.

EDMUND G. BROWN, Jr., Secretary of State

By: [Signature]
 Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-111.21
 44-111.22
 44-111.23
 44-113.2
 30-153.2
 31-204

Repeal:

Section 44-114

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature on August 11, 1971, and signed by the Governor on August 13, 1971. Section 43 of this legislation requires the act to be implemented by October 1, 1971.
2. Implementation of this legislation must be accomplished through regulations adopted by the State Department of Social Welfare.
3. The welfare reform program includes administrative reform and state legislation.
4. It is essential to the efficient administration of public social services that the administrative and legislative reforms be implemented by simultaneous regulation changes to minimize the disruption in the administration of such services by the county welfare departments.
5. In order to implement the Welfare Reform Act by October 1, 1971, it is necessary to adopt these regulations on an emergency basis.
6. The regulatory changes set forth above are adopted as emergency measures to become effective October 1, 1971, to comply with the requirements of Chapter 578 of the Statutes of 1971.

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME 44-111
(Continued)

.2 Exemption of Earned Income - General

ATD
OAS

- .21 In addition to the exemption specified in Section 44-111.11 above, the first \$20, plus one-half of the next \$60 a month, of gross earned income is exempt from consideration in determining the amount of the OAS or ATD payment.

See Section 44-101.5 for definition of "earned income."

See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AB

- .22 In addition to the exemption specified in Section 44-111.11 above, the first \$85 a month, plus one-half of any gross earned income in excess of \$85 a month, is exempt from consideration in determining the amount of the AB payment.

See Section 44-101.5 for definition of "earned income."

See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AFDC

- .23 The first \$30 of the combined gross earned income plus one-third of the remainder of such income of adults and children 14 and over who do not qualify for the student exemption (Section 44-111.24) is exempt.

See Section 44-101.5 for definition of "earned income."

See Section 44-113.2 for the procedure to determine nonexempt net earned income.

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(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS INCOME 44-111
(Continued)

AFDC

.231 The family exemption of earned income is computed by combining the gross earnings of persons subject to the exemption, subtracting \$30 and computing 1/3 of the remainder.

44-113 NET INCOME (Continued) 44-113

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.2 Earnings

The appropriate method of determining nonexempt net earned income shall be selected from those set forth below.

.21 Earnings of Recipient

.211 Received Monthly or on Basis other than Recurring Lump Sum

a. As an Employee (Wages, Salary or Commissions)

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- (1) Determine gross income from earnings; i.e., total income irrespective of expenses, voluntary or involuntary deductions.
- (2) Deduct the exempt income (see Section 44-111) from gross income.
- (3) Deduct all personal and nonpersonal work expenses (Sections 44-113.241 and .242) from the amount determined in Item 2.

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44-113 NET INCOME (Continued)

44-113

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(4) Any remainder is considered nonexempt net income.

b. From Self-Employment (Business Enterprise, Farming, etc.)
or in Combination with Earnings as an Employee.

(1) Determine total gross income from self-employment
and any gross income as an employee.

(2) Deduct business work expenses (see
Section 44-113.243) from gross income. (See
Section 44-113.1.)

(3) Deduct the exempt income (see Section 44-111) from
the amount determined in Item 2.

(4) Deduct personal and nonpersonal work expenses
(Sections 44-113.241 and .242) from the amount
determined in Item 3.

(5) Any remainder is considered nonexempt net income.

44-113 NET INCOME (Continued)

44-113

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.212 Received in Recurring Lump-Sum Payments (as an Employee or
from Self-Employment)

a. Determine gross income for the month (see Section 44-102).

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44-113 NET INCOME (Continued)

44-113

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b. Determine the average business and/or personal and nonpersonal work expenses (see Sections 44-113.241, .242 & .243) for the month using the same method used to allocate income in a.

c. Compute the nonexempt net income for each month as provided in Section .211a or b above, whichever is appropriate.

APSB

.213 Received on a Monthly Basis or as Recurring Lump-Sum Payment (as an Employee or from Self-employment).

a. Determine gross income from earnings or business.

b. Deduct all business and/or personal and nonpersonal work expenses (see Section 44-113.241, .242 and .243) from the amount determined in Item a.

c. Deduct from net income the exempt income (see Section 44-111.12).

d. Any remainder is considered nonexempt income.

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.214 If a need item is met in kind as a result of service performed, the monetary value is determined according to Section 44-115. Net income is then calculated as provided in Section .211, .212 or .213 above, whichever is appropriate.

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44-113 NET INCOME (Continued)

44-113

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.23 Work Expenses - Definitions

.231 Personal Expenses - Expenses which are common to all persons who have earned income (either as an employee or from self-employment). Such expenses include costs of child care, minimum amounts involuntarily withheld by the employer (i.e., income tax, social security, etc.), and transportation to and from the job.

.232 Nonpersonal Expenses - Expenses which are mandatory to retain a specific job (either as an employee or from self-employment). Such expenses include costs of transportation to call on customers, special tools, special material or clothing, and union dues.

.233 Business Expenses - Expenses incurred in the production of income when self-employed.

.24 Work Expenses - Amounts Allowable Per Month

.241 All items listed in 44-113.23, except child care and business expenses - A standard deduction shall be allowed for these items according to the number of days worked during the month as follows:

1 through 10 days	\$25.00
over 10 days	\$50.00

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44-113 NET INCOME (Continued)

44-113

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.242 Child Care - The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household.

However, the amount allowed shall not exceed the actual cost of securing such care through a day care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient.

.243 Business Expenses - The full cost of expenses which are incurred in the production of income. The recipient must bear the full burden of proof for justifying the existence of and need for any expense reimbursed under this classification.

44-113 NET INCOME (Continued)

44-113

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.25 Other Deductions from Net Income

In addition to the deductions described above, deductions for other expenses of persons with income from any source, shall be made as follows:

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44-113 NET INCOME (Continued)

44-113

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.251 Court-Ordered Support Payment by Natural Parent

Deduction for actual support of a child or spouse not in the
home, paid on court order, shall be made not to exceed three
months if the parent requests review of the order. If,
upon review, the court orders continued support payments,
the amount of the actual payment pursuant to the court order
shall be deducted until the order is changed.

.252 WIN or ETS Training-Related Expenses

Deduction shall be made for all allowable WIN or ETS
training-related expenses of the recipient when such
costs are intermingled with the work-related expenses,
except where the inclusion of such expenses would
decrease the total amount of money available to the
recipient from the assistance grant and administrative
funds. (See Section 30-153.3 and 31-204.4.)

AFDC

.253 Child's Income

Only the amounts exempted under Section 44-111.23 or
44-111.24 may be deducted from a child's income.

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30-153 COSTS OF SUPPORTIVE SERVICES RELATED TO OBTAINING AND
RETAINING EMPLOYMENT OR REHABILITATION LEADING TO
EMPLOYMENT (Continued)

30-153

AFDC

- .2 For persons referred to and participating in WIN, the county shall meet the costs of the supportive services listed in Section 30-152 and, in addition, expenses to meet the costs of obtaining the employment objective, allowed as follows:
- .21 Work-related expenses according to the standard outlined in
Sections 44-113.23 and 44-113.24.
- .22 Cost of medical treatment or appliances, to the extent that such costs are essential to realization of the purposes of the plan and are not met from other resources;
- .23 Cost of essential items not provided by other agencies as part of the training of the individual; and
- .24 Cost of relocation to obtain training which has a reasonable presumption of leading directly to self-support.
- .3 The service-connected expenses listed in Section 30-153.2 above shall be met from administrative funds except where a recipient in a WIN training program has concurrent earnings from employment.
- .31 Where a recipient in a WIN training program has concurrent earnings from employment, the nonexempt earnings of the recipient shall be used to the extent possible to meet both the work-related expenses of employment and the expenses of training, with first priority being given to meeting the work-related expenses.
(See Section 44-113.252)

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30-153 COSTS OF SUPPORTIVE SERVICES RELATED TO OBTAINING AND
RETAINING EMPLOYMENT OR REHABILITATION LEADING TO
EMPLOYMENT (Continued)

30-153

AFDC

- .32 Where the allowable work-related expenses exceed nonexempt earnings from an approved plan of employment, allowance for the unmet allowable expenses shall be met from administrative funds as service-connected expenses.
- .33 Where the allowable work-related expenses of obtaining the earnings are less than the nonexempt earnings and the WIN service-connected expenses are greater than the remaining net income, the balance of such expenses shall be met from WIN administrative funds as service-connected expenses.
- .34 The method described above in .31 shall be utilized to meet the WIN service-connected expenses of recipients with concurrent earnings from employment only where the total amount of money which would have been available to the recipient from the assistance payment and administrative funds is not decreased by the application of this method.

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31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM

31-204

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Where a county elects to provide educational and training services for recipients identified in the groups listed in 31-202, it shall be the responsibility of the social services system to:

- .1 Identify those recipients with an immediate potential for employment or rehabilitation leading to employment who could benefit from an education or training service. (See Section 30-152.12)
- .2 Make a specific plan for meeting the educational and training need through purchase of the service or through other means such as a formal agreement with an administering institution. (See Section 30-152.2)
- .3 Inform the recipient other than the AFDC-U parent, or the AFDC youth, age 16 through 20, that his participation in the educational and training program is voluntary. (See Section 30-162.3)
- .4 Meet the allowable cost of expenses incurred by a participant in meeting the requirements of the program, if not provided by other agencies. Allowance for such expenses shall be the same as that outlined in Section 30-153.2 plus the reasonable costs of tuition, books, tools, and other supplies required by the program. The expenses shall be met from administrative funds except where a recipient has concurrent earnings from employment.
- .41 Where a recipient in an ETS training program has concurrent earnings from employment, the nonexempt earnings of the recipient shall be used to the extent possible to meet both the work-related

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31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM (Continued) 31-204

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expenses and the expenses of training, with the first priority being given to meeting the work-related expenses. (See Section 44-113.252.)

.42 Where the allowable work-related expenses exceed nonexempt earnings from an approved plan of employment, allowance for the unmet allowable expenses shall be met from administrative funds as service-connected expenses.

.43 Where the allowable work-related expenses are less than the nonexempt earnings and the ETS service-connected expenses are greater than the remaining net income, the balance of such expenses shall be met from administrative funds as service-connected expenses.

.44 The method described above in .41 shall be utilized to meet the ETS service-connected expenses of recipients with concurrent earnings from employment only where the total amount of money which would have been available to the recipient from the assistance payment and administrative funds is not decreased by the application of this method.

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31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM
 (Continued)

31-204

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- .5 Assign a social worker to give support to the recipient and the family of the recipient in each instance in which a recipient is accepted by and assigned to an educational and training project. The case shall remain in active service status unless the assessment of the social services system is that social services are not required.
- .51 The decision that social services are not required shall be substantiated in the case record.
- .52 Where social services are not required, the case may become inactive for a period of up to three months. Under such circumstances, a reassessment of the need for social services shall be made by the social services system at least quarterly.
- .6 Pay allowable service-connected expenses on the basis of a monthly claim submitted by the recipient to the county welfare department. The county shall assure the provision of sufficient funds for allowable service-connected expenses.

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The following regulation is to be repealed effective 10/1/71:

44-114 DETERMINATION OF WORK RELATED TRANSPORTATION EXPENSES

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OCT 1 - 1971

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: October 1, 1971

By:

Director

(Title)

FILED

in the office of the Secretary of State
of the State of California

OCT 1 - 1971

EDMUND G. BROWN Jr., Secretary of State

By: *H. Lowenstein*
Deputy Secretary of State

11:10 p.m. - dl

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-315.512

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature on August 11, 1971, and signed by the Governor on August 13, 1971. Section 43 of this legislation requires the act to be implemented by October 1, 1971.
2. Implementation of this legislation must be accomplished through regulations adopted by the State Department of Social Welfare.
3. The welfare reform program includes administrative reform and state legislation.
4. It is essential to the efficient administration of public social services that the administrative and legislative reforms be implemented by simultaneous regulation changes to minimize the disruption in the administration of such services by the county welfare departments.

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(Pursuant to Government Code Section 11380.1)

5. The regulatory changes set forth above are adopted as emergency measures to become effective October 1, 1971, to comply with the requirements of Chapter 578 of the Statutes of 1971.
6. On September 29, 1971, the Supreme Court of the State of California stayed the operation of Section 28 of the Welfare Reform Act of 1971.
7. On September 30, 1971, the Supreme Court of the State of California modified its order to stay operation of Section 28 only as it affects Subsection (a) of Section 11450 of the Welfare and Institutions Code.
8. Most counties prepared the first installment AFDC checks without knowledge of the September 29 and 30, 1971, orders of the Supreme Court of the State of California.
9. As a result of the above-mentioned orders, the majority of AFDC checks were prepared in amounts exceeding that to which the recipients were entitled if such checks were considered the first of two equal installments.
10. To recalculate amounts of AFDC checks would cause delay in the delivery of AFDC grants and could result in irreparable damage to needy AFDC recipients.
11. Because of the uncertainty of the present law, many counties have delayed mailing the first installment checks.
12. The revision of Section 44-315.512 is necessary on an emergency basis in order to permit counties to distribute grants in unequal installments.

The revision described above must, therefore, be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.512 Payment in Installments

Aid need not be paid in equal installments.

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OCT 5 - 1971

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: October 5, 1971

By: 

Director

(Title)

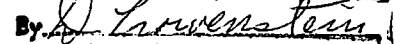
FILED

In the office of the Secretary of State
of the State of California

OCT 5 - 1971

At 6:10 o'clock P.M.

EDMUND S. BROWN Jr., Secretary of State

By: 
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-115.6

44-203.2

44-212

44-213.3

44-213.4

44-217

44-221

44-265

44-267 (also renumbered from 44-280)

44-269 (also renumbered from 44-281)

44-313

44-315.51

10-225.2

10-225.3

New:

Section 44-115.8

44-115.9

Repeal:

Section 44-266

44-274

44-280

44-268

44-276

44-281

44-270

44-278

44-272

44-279

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The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature on August 11, 1971, and signed by the Governor on August 13, 1971. Section 43 of this legislation provides that the act shall become operative on October 1, 1971.
2. Implementation of this legislation must be accomplished through regulations adopted by the State Department of Social Welfare.
3. The welfare reform program includes administrative reform and state legislation.
4. It is essential to the efficient administration of public social services that the administrative and legislative reforms be implemented by simultaneous regulation changes to minimize the disruption in the administration of such services by the county welfare departments.
5. On September 29, 1971, the Supreme Court of the State of California stayed the operation of Section 28 of the Welfare Reform Act of 1971.
6. On September 30, 1971, the Supreme Court of the State of California modified its order to stay operation of Section 28 only as it affects Subsection (a) of Section 11450 of the Welfare and Institutions Code.
7. The regulatory changes set forth above are adopted as emergency measures to become effective upon filing, to comply with the requirements of Chapter 578 of the Statutes of 1971 and the order of the Supreme Court of the State of California.
8. The regulation changes set forth above are adopted as emergency measures to permit counties to compute and pay AFDC grants for the entire month of October, 1971, pursuant to these regulations.

The revision described above must, therefore, be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC**.6 Nonneedy Relatives**

Natural or adoptive parents, stepfathers, or adults whose needs are met through any categorical aid program shall not be considered to be nonneedy relatives for purposes of this section.

.61 Treatment of Contributions

.611 The excess of the in-kind income value for housing and utilities (see .9 below) included in the minimum basic standard of adequate care figure (Section 44-315.511(a)) for the appropriate size Family Budget Unit over the increased cost of housing and utilities to the nonneedy relative caused by the presence of the AFDC child(ren) in his household shall be considered a contribution in-kind to the Family Budget Unit.

.612 If the nonneedy relative wishes to contribute to the support of the child(ren) in his care in excess of the amount computed in .61 above, he may do so by either identifying the need items to be contributed using .8 below or by specifying an exact dollar amount to be contributed. Any amounts so specified are considered net income to the AFDC child(ren).

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44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

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AFDC

- .8 One or More Recipients of AFDC Resides in the Same Household with
One or More Recipients of Adult Aids

.811 When the above situation exists, if the recipient's
(Adult Aid or FBU) housing and utilities allowance
exceeds his share of the actual cost of housing and
utilities (including telephone), the excess shall be
considered in-kind income and taken into consideration
in computing the grant.

.812 Each recipient's share shall be calculated by dividing
the total actual cost of housing and utilities (including
telephone), by the number of persons (adults and minors,
needy and nonneedy) residing in the household.

- .9 For purposes of this section the following shall be considered as
the in-kind income value of certain items of need for an FBU:

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44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC

.91 Housing

- a. one-person FBU - \$55/per month
- b. two-person FBU - \$74/per month
- c. three-person FBU - \$81/per month
- d. four-person or larger FBU - \$86/per month

.92 Utilities (including telephone):

- a. one-person FBU - \$12/per month
- b. two-person FBU - \$13/per month
- c. three-person FBU - \$14/per month
- d. four-person or larger FBU - \$15/per month

.93 Food

- a. one-person FBU - \$29/per month
- b. two-person FBU - \$65/per month
- c. three-person FBU - \$83/per month
- d. four-person FBU - \$103/per month
- e. five-person FBU - \$124/per month
- f. six-person FBU - \$145/per month
- g. seven-person FBU - \$161/per month
- h. eight-person FBU - \$177/per month
- i. nine-person FBU - \$193/per month
- j. ten-person or larger FBU - \$209/per month

.94 Clothing - \$9 for each person per month

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44-203 DEFINITIONS - NEED (Continued)

44-203

AB
ATD
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AFDC

.2 Minimum Needs - Definition

Minimum needs are needs common to all recipients living in like circumstances as set forth in Sections 44-207 through 44-212. Minimum needs and the amounts required to meet such needs differ according to living arrangements.

44-212 MINIMUM BASIC STANDARDS OF ADEQUATE CARE

44-212

AFDC

.1 Definition - The minimum basic standard of adequate care is set forth in W&I Code Section 11452 as the amount which is necessary to provide a Family Budget Unit with the following:

- .11 housing
- .12 clothing
- .13 food
- .14 utilities
- .15 items for household operation, education and incidentals, recreation, personal needs, and insurance

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44-212 MINIMUM BASIC STANDARDS OF ADEQUATE CARE (Continued)

44-212

AFDC

.16 essential medical, dental, or other remedial care not otherwise provided at public expense

.17 recurring special needs not common to a majority of recipients

- .2 The minimum basic standard of adequate care set forth in W&I Code Section 11452 and previously distributed to the counties for each size Family Budget Unit (see Sections 44-213.3 and .4 for composition of the Family Budget Unit) is as follows:

Size of FBU (per 44-213.3 and .4)	Minimum Basic Standard of Adequate Care
1	\$125
2	210
3	255
4	314
5	362
6	408
7	449
8	496
9	543
10	590

plus \$5 for each additional needy person

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

- .3 Needy Persons Living In The Home Who Shall Be Included As "Recipients" In The Same Family Budget Unit, Unless EXCLUDED By Section 44-213.5.

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44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC

- .31 Children - all related eligible unmarried children, including the unborn child, for whom aid is requested by the child's parent or relative caretaker.
- .32 Parent - the eligible child's natural or adoptive parent who requests aid on behalf of the child.
- and
- .33 Parent's spouse - the spouse of the eligible child's natural or adoptive parent when the basis for deprivation is the incapacity of a natural or adoptive parent, or the unemployment of the natural or adoptive father (who meets federal conditions in Section 41-440.5), living in the home, or if there is no parent living in the home.
- .34 Relative - the needy adult relative, as defined above, other than a parent, who provides care and supervision of the eligible child.
- .4 Other Needy Related Persons Living in the Home Who May Be Included As "Nonrecipients" In The Same Family Budget Unit With Eligible Children, Unless EXCLUDED By Section 44-213.5 for purposes of determining financial eligibility under Chapter 42-300.
- .41 Upon the written request of the parent, or the caretaker if neither parent is living in the home, the following persons living in the home, if needy, shall be members of the Family Budget Unit and shall have their needs and income taken into consideration in determining the financial eligibility of the family.

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44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC

.411 Unmarried brothers and sisters of the eligible child, including half- or stepbrothers and stepsisters.

.412 The eligible child's stepparent, when the child is deprived by the absence or death of a natural or adoptive parent.

.413 The eligible child's other unmarried parent.

.414 An adult relative, as defined in Section 44-213.21, other than the parent's spouse, whose presence is required to provide care and supervision that cannot be given the eligible child by the only parent living in the home due to the parent's incapacity.

.42 Persons included in the Family Budget Unit under provisions of Section 44-213.41 for purposes of determination of financial eligibility shall not be included in the Family Budget Unit for purposes of grant computation.

44-217 SUBSTANDARD HOUSING

44-217

.1 Assessment of Adequacy of Housing

It is essential that every reasonable continuing effort be made to assist such families secure and maintain housing meeting minimum standards of safety and decency. The county shall, as an integral

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44-217 SUBSTANDARD HOUSING (Continued)

44-217

AFDC

part of its intake and continuing services, assess the adequacy of housing occupied by the family. The assessment shall be made in accordance with a guide developed by or with the local authority responsible for enforcing the standards of the Division of Building and Housing Standards, Department of Housing and Community Development. If a local guide is not available, the State Department of Social Welfare "Guide to Assessment of Standard Housing" shall be used.

.2 Help to Families in Substandard Housing

When the assessment of housing by the county welfare department indicates the need for improvement of the family's housing standard, consultation shall be provided to the family and a plan worked out with them for improving the housing. Where necessary, the county welfare department shall assist the family in making arrangements with the landlord to improve housing or in locating better housing elsewhere.

.3 Referral to Local Housing Enforcement Agencies

When the county welfare department's assessment of housing indicates probable substandard housing and no workable plan for improvement can be arranged within 30 days, referral to the local housing enforcement agency shall be made and a report requested as to whether or not housing meets the standards.

.4 Continuing County Responsibility

If housing is determined to be substandard by the enforcement agency, the county welfare department has a continuing responsibility for helping the family secure standard housing.

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44-221 MINIMUM NEED - CHILD IN FOSTER CARE

44-221

AFDC

When a child is living in foster care, his or her minimum need is the boarding home or private institution rate of the county in which the home or institution is located, as established by the county in accordance with Section 10-225.

For other requirements relating to payments and services for children in foster care, see Sections 44-267 (Special Needs), 44-315.52 and 44-323 (Aid Payments), and 30-300 (Services).

44-265 SPECIAL NEEDS FOR AFDC

44-265

.1 General

.11 There are two categories of special needs:

.111 Recurring - the need is the result of an unusual circumstance in the recipient family which results in added cost to the family and which is expected to occur during two or more months in a single year. Recurring special needs are included in the amounts listed in Section 44-315.511(a).

.112 Nonrecurring - the need is the result of a catastrophe which is not expected to be repeated in a subsequent month.

.12 Special needs shall be subject to the limitations and conditions specified in this Section; and for recurring special needs, the additional limitation in Section 44-315.511(e).

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44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

.13 The cost of any special need shall be met by first requiring the recipient to utilize his liquid assets (as defined in Section 44-333.16). However, when the allowance for a special need cannot be met in full by the recipient's liquid assets, it shall be allowed as a part of the grant in accordance with the procedures outlined in Section 44-315.511 when federal participation is available. There will be no state participation in the cost of any special need granted to an AFDC recipient.

.14 The county may allow a nonrecurring special need in a single month or prorate it over not more than three consecutive months. A nonrecurring special need prorated in this manner shall not be considered recurring.

.2 Recurring Special Needs

.21 Therapeutic Diet

.211 Special need for a therapeutic diet shall be authorized when a doctor or other practitioner recommends one or a combination of the diets listed below, except that final determination of the need for a therapeutic diet may be based on consultation with the county medical consultant. The allowance may continue for no more than one year unless continuation of need is resubstantiated as provided above.

The amount allowed for a combination diet shall not exceed that specified for the highest cost diet included in the recommended diet plan.

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44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

.212 The special need allowance for a therapeutic diet shall be limited to the following types and maximums:

\$15 maximum for one of the following diets:

Diabetic, 2200 calories or more

High caloric - high protein (including special formula for infant)

Lactation (while breast feeding)

\$9 maximum for one of the following diets:

Diabetic, under 2200 calories

Bland

Low fat - cholesterol

Low salt (sodium, under 3 grams)

Pregnancy (from 4th month)

.22 Other Recurring Special Needs

To enable the recipient to meet unusual costs caused by a verified medical problem of the recipient, the following special needs may be allowed based upon recommendation by a doctor or other practitioner that they are necessary, subject to approval by the county. The recommendation should include the period over which the need for the allowance will be necessary. No allowance may continue for more than one year unless it is resubstantiated as provided above. The allowance shall be subject to the following conditions and limitations:

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44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

.221 Costs for transportation to obtain medical treatment when such treatment is not available in the recipient's home community, as defined by the county, as follows:

- a. When common carrier (including a taxi) is available regardless of the transportation used, the amount allowed as a special need shall not exceed \$18 per month.
- b. When common carrier (including a taxi) is not available or cannot be used because of an infirmity and a private automobile must be used, the amount allowed as a special need shall be \$15 per month for fixed charges plus a standard allowance according to the number of miles traveled during the period as follows:

Miles Traveled per Month	Standard Allowance
Less than 175	\$ 6.00
175 - 224	8.00
225 - 274	10.00
275 - 324	12.00
325 - 374	14.00
375 or more	15.00

.222 The actual cost of special laundry service up to \$3.00 per month.

.223 The prevailing rate of employing someone to do the cooking, washing, ironing, household cleaning and similar chores when the family caretaker is too disabled to perform any one or more of these functions, and when such duties cannot be performed without charge by persons in the household.

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44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

No allowance shall be made for this purpose if the Services System is providing homemaker services to the family. (See Section 10-053.5.)

.224 The amount of the charge for special telephone service or equipment, such as the cost of an amplifying device when a member of the household is handicapped by a hearing problem.

.225 A standard allowance of \$5.00 per month when the health problem requires excessive use of one or more utilities.

.3 Nonrecurring Special Needs

.31 A special need shall be allowed to replace the items listed in .342 below that are owned by the recipient when they are destroyed by fire, flood, earthquake, storm or other acts of God.

.32 Replacement of any item under the provisions of Section .1 above shall be allowed only when the item is not available to the family without cost from any source.

.33 The county shall determine the most feasible and economic method of replacement including the provision of used, serviceable items, and such method shall be binding upon the recipient. If the recipient is to purchase the item(s), proof of purchase may be required by the county.

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(Pursuant to Government Code Section 11380.1)

44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

.34 The amount of the allowance shall be calculated as follows:

.341 Determine the actual cost, including sales tax, of the replacement item.

.342 The amount determined in .341 above or the maximum amount listed below, whichever is less, shall be allowed:

a. Clothing - \$25 for each person in the Family Budget Unit

b. Bedding, dishes, and kitchen utensils - \$12 for each person in the Family Budget Unit

c. Cook stove - \$142

d. Refrigerator - \$190

e. Space heater - \$73

f. Double bed, including mattress - \$143

g. Other essential furniture - \$50

.343 The total amount allowed under this section shall not exceed \$300.

44-267 SPECIAL NEED FOR CHILD IN FOSTER CARE

44-267

.1 For Payment to Foster Family or Institution

The cost of additional clothing, including an initial supply of clothing and school or other uniform when not included in the basic foster care.

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44-267 SPECIAL NEED FOR CHILD IN FOSTER CARE (Continued) 44-267

A FDC

.2 For Payment to the Child's Own Caretaker

Items which are prerequisite to return of the child to his own home, such as telephone, essential furniture, household equipment and supplies, shall be allowed when the services plan is for the child to be returned to the home within 30 days and eligibility for AFDC-Family Group will exist. Amounts shall be allowed subject to limitations applicable when the item is allowed to an AFDC-Family Group.

.3 Exclusions

No amount shall be allowed as special need:

.31 For items other than those specified in Sections 44-267.1 and 44-267.2 above.

.32 For any special need item available to the child or prospective caretaker without cost.

.33 For service-connected expenses (see Section 10-305).

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(Pursuant to Government Code Section 11380.1)

44-269

MEDICAL NEEDS - GENERAL

44-269

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The county shall explore actual and potential medical needs of each recipient and assist in arranging for necessary health care from the appropriate sources.

Regardless of his immediate need, every recipient of a cash grant shall be certified for basic and extended health care under the Medi-Cal program. The specific scope of basic and extended health care available to public assistance recipients and procedures applicable in authorizing vendor payments for such care are set forth in Medical Assistance Regulations. A "recipient" as used herein, includes an eligible person for whom, in the month the medical care is received:

1. A cash grant payment is made; or
2. The cash grant payment is withheld only because of a question concerning the amount of aid to which he is eligible (see Section 44-324.4); and/or
3. The authorized grant is reduced to zero to adjust for an overpayment (see Section 44-335.221 a); or
4. In AFDC aid is discontinued for a family in which the parent is employed part-time but is no longer financially eligible.

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44-313 MAXIMUM STATE PARTICIPATION BASE - CHILDREN'S PROGRAMS

44-313

AFDC

The maximum state participation base for needy children living with an eligible parent or other relative shall be the following amounts.

<u>Maximum Participation Base</u>		
<u>Number Eligible Children in Same Home</u>	<u>One Eligible Relative in Home</u>	<u>Eligible Parent and Parent's Spouse in Home Eligible under 44-213.33</u>
1	\$176	\$197
2	\$204	\$225
3	\$261	\$282
4	\$311	\$331
5	\$353	\$374
6	\$388	\$409
7	\$416	\$437
8	\$437	\$458
9	\$450	\$471
10	\$456	\$477
11	\$463	\$483
12	\$469	\$489
13	\$475	\$495
14	\$481	\$501
15	\$487	\$507

Plus \$6 for each additional eligible child

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.5 Determining the Grant and Method of Payment

.51 Child Living with Parent or Relative

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44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.511 Calculate the amount of the grant as follows:

- (a) Based upon the size of the FBU (as determined under Section 44-213.3) determine the minimum basic standard of adequate care from the following schedule.

Size of Family Budget Unit	Minimum Basic Standard Of Adequate Care
1	\$125
2	210
3	255
4	314
5	362
6	408
7	449
8	496
9	543
10 or more	590

plus \$5 for each additional needy person

- (b) Round to the nearer dollar current net nonexempt income (see Chapter 44-100) with amounts ending in 50 cents or more rounded to the next higher dollar.
- (c) Subtract the amount computed in (b) from the amount computed in (a). If the remainder is less than or equal to zero, see Section 42-303.

If the remainder is greater than zero, this amount, or the appropriate amount from the table in Section 44-313, whichever is less, is the maximum aid payment for which state financial participation will be available.

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44-315 AMOUNT OF AID (Continued)

44-315

AFDC

(d) Round to the nearer dollar the amount of recurring special needs the FBU is eligible to receive. Amounts ending in 50 cents or more should be rounded to the next higher dollar.

(e) Add to the amount computed in (c) the amount computed in (d), or the applicable figure from the following table, whichever is less:

Size of Family Budget Unit (per 44-213.3)	Maximum Recurring Special Needs
1	\$10
2	20
3	20
4	34
5	42
6	48
7	54
8	66
9	78
10	90

Plus \$5 for each additional needy person

(f) The amount of the AFDC monthly payment is the amount computed in (e) plus the amount of nonrecurring special needs the FBU is entitled to receive. (The amount of nonrecurring special needs should be rounded to the nearer dollar with amounts of 50 cents or more rounded to the next higher dollar.)

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(Pursuant to Government Code Section 11380.1)

10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES 10-225
FOR AFDC CHILDREN (Continued)AFDC

.2 Procedure for Determining Foster Care Rates for Children in Foster Family Homes

Each county shall establish foster family home rates to pay for care and supervision, and for other needs which are provided to a child, under 18 years, who resides in a foster family home.

.21 Rates for Care and Supervision

A rate shall be established by the county for care and supervision for each of the four age groups listed below. Where the amounts vary for different age groups, the differences should reflect realistic variations in the kind of care required to provide appropriate care and supervision. Care and supervision of the infant and preschool age child, for example, may make necessary a higher rate than is paid for the child who is out of the home during part of the day. Such other factors should also be considered as the need to arrange for care for children of some age groups when the foster parents are away from home.

Provision should also be made, in determining the rate to be paid for care and supervision, for increasing the payments for care of children requiring special care as a result of health or behavior problems.

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10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES 10-225
FOR AFDC CHILDREN (Continued)

.211 Age Groups - A rate shall be established for each of the
following age groups:

Child under seven

Child, seven through 12 years

Boy, 13 through 17 years

Girl, 13 through 17 years

.212 Items to be covered by the rates:

Room and Board

Clothing

Personal Needs

Recreation

Transportation

Education and Incidentals

Supervision

.22 Provision for Other Needs

In establishing the payments for care of children in foster family homes, the county shall make provision for costs of other items identifiable to the child's special needs (see Section 44-267).

.3 Procedure for Determining Foster Care Rates for Children in
Private Institutions

The rate for a child placed in a private institution is the amount charged by the institution, as negotiated by the county. The rate for institutional foster care shall be established in whole dollars.

See Sections 44-267, 44-315.52 and 44-323 regarding special need and payments for children living in a private institution.

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(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 10/1/71:

- 44-266 SPECIAL NEED FOR EXCESSIVE COST OF UTILITIES
- 44-268 SPECIAL NEED FOR TELEPHONE
- 44-270 SPECIAL NEED FOR CLOTHING
- 44-272 SPECIAL NEED FOR HOUSEHOLD SUPPLIES AND FOR ESSENTIAL EQUIPMENT
- 44-274 SPECIAL NEED FOR LAUNDRY
- 44-276 SPECIAL NEED FOR TRANSPORTATION ESSENTIAL TO HOME MANAGEMENT
- 44-278 SPECIAL NEED FOR HOUSEKEEPING SERVICE
- 44-279 SPECIAL NEED FOR THERAPEUTIC DIET
- 44-280 SPECIAL NEED FOR CHILD IN FOSTER CARE
- 44-281 MEDICAL NEEDS - GENERAL

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Effective 10/1/71

ENDORSED
APPROVED FOR FILING
FORM 400 (Gov. Code 11380.2)
OCT 29 1971

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

Office of Administrative Procedure

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OCT 29 1971

Office of Administrative Procedure

~~APPROVED FOR FILING
(Gov. Code 11385)~~

~~OCT 29~~

~~Office of Administrative Procedure~~

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Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: October 29, 1971

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

OCT 29 1971

At 4:50 o'clock P. M.

EDMUND G. BROWN, Jr., Secretary of State

By: *David M. Hutchins*
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-305.222
44-315.51
44-315.511

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CONTINUATION SHEET
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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On October 5, 1971, emergency regulations were duly filed with the Secretary of State which contained an error in codification having the effect of repealing then existing MPP Sections 44-315.511 and .512.
2. This effect was unintentional and inadvertent.
3. The regulatory changes set forth above are adopted as emergency measures to become effective upon filing to correct this error in codification and reestablish the authority under which 34 counties now determine budgets in the Aid to Families with Dependent Children Program.
4. On September 3, 1971, emergency regulations were duly filed with the Secretary of State in order to bring the California State plan into compliance with Section 205.10, Title 45, Code of Federal Regulations.
5. These regulations became operative on September 10, 1971.
6. Section 22-022.1 thereof provides in part: "Where the county action would result in a termination, suspension or reduction of an assistance grant, the county must mail to the person affected, at least fifteen days prior to the effective date of that action, a written notice..."
7. Pursuant to MPP Sections 44-315.511 and .512, a county is allowed up to 15 days after the end of its established budget planning period to deliver the first warrant of the corresponding payment period.
8. However, recipients are allowed about 5 days of this period to return their monthly reports of income and expenses. The 34 counties affected, therefore, do not have time to give notice of any appropriate action before the next warrant must be delivered.

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(Pursuant to Government Code Section 11380.1)

9. The United States District Court for the Northern District of California has retained jurisdiction in the case of Wheeler v. Montgomery so as to determine the adequacy of notice of reductions, terminations and suspensions of categorical aid pursuant to the regulations mentioned in paragraph 4 above.
10. The enforcement mechanism available to this court is a finding of contempt of court for which the penalty may be imprisonment and/or a fine.
11. The resulting inconsistency between departmental regulations and the potential penalties attending this situation threaten to paralyze the administration of Social Welfare in 34 counties of this state, cause an unnecessary waste of public funds and place administrators of the welfare system in personal jeopardy.
12. The regulatory changes set forth above are adopted as emergency measures to become effective upon filing to insure order in and the smooth administration of the welfare program.

The revision filed above must, therefore, be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

AFDC

.222 When the county elects to make payments on the basis of the budget planning method specified in Section 44-315.511(b), the first installment shall be delivered not later than one month following the end of the established budget planning period. The other installment shall be delivered not more than 15 calendar days after the first installment.

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44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.51 Child Living with Parent or Relative

Calculate the amount of the grant as follows:

- (a) Based upon the size of the FBU (as determined under Section 44-213.3) determine the minimum basic standard of adequate care from the following schedule.

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44-315 AMOUNT OF AID (Continued)

44-315

AFDC

Size of Family Budget Unit	Minimum Basic Standard Of Adequate Care
-------------------------------	--

1	\$125
2	210
3	255
4	314
5	362
6	408
7	449
8	496
9	543
10 or more	590

plus \$5 for each additional needy person

(b) Round to the nearer dollar current net nonexempt income (see Chapter 44-100) with amounts ending in 50 cents or more rounded to the next higher dollar.

(c) Subtract the amount computed in (b) from the amount computed in (a). If the remainder is less than or equal to zero, see Section 42-303.

If the remainder is greater than zero, this amount, or the appropriate amount from the table in Section 44-313, whichever is less, is the maximum aid payment for which state financial participation will be available.

(d) Round to the nearer dollar the amount of recurring special needs the FBU is eligible to receive. Amounts ending in 50 cents or more should be rounded to the next higher dollar.

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44-315 AMOUNT OF AID (Continued)

44-315

AFDC

- (e) Add to the amount computed in (c) the amount computed in (d), or the applicable figure from the following table, whichever is less:

Size of Family Budget Unit (per 44-213.3)	Maximum Recurring Special Needs
1	\$10
2	20
3	20
4	34
5	42
6	48
7	54
8	66
9	78
10	90

plus \$5 for each additional needy person

- (f) The amount of the AFDC monthly payment is the amount computed in (e) plus the amount of nonrecurring special needs the FBU is entitled to receive. (The amount of nonrecurring special needs should be rounded to the nearer dollar with amounts of 50 cents or more rounded to the next higher dollar.)

.511 Alternate Methods for Computing Payments

The aid payment is to be computed according to whichever of the following basic methods the county selects. The method selected shall apply to all family cases.

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FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

- (a) Concurrent Payment and Budget Periods - Grant for a particular month based only on income received and needs existing in that month.

Any deficiency in a previous month between total need and the sum of the aid payment and the income is not to be carried forward and allowed as a need in a subsequent month.

- (b) Budget Planning with Subsequent Payment - Grant for a particular month based on income received and needs existing and reported before the end of a prior budget planning period. If unforeseen changes in need or income occur, supplemental payment may be made if necessary to protect the child's welfare or local public funds.

The budget planning period will be a one-month period ending not more than one month prior to the date of the first installment.

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(Pursuant to Government Code Section 11380.1)

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 (GOV. CODE 11380.1)

NOV - 1 1971

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: October 29, 1971

By: 

Director

(Title)

FILED

In the office of the Secretary of State
 of the State of California

NOV 1 - 1971

At 5:20'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By: 

Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-329.12
 44-331
 44-331.11
 44-333.1
 44-333.3
 44-335.1
 44-335.2
 44-335.21
 44-335.22
 44-335.221
 44-335.241
 44-335.244

New:

Section 44-335.231
 44-335.232

Repeal:

Section 44-335.3

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature on August 11, 1971, and signed by the Governor on August 13, 1971. Section 43 of this legislation provides that the act shall become operative on October 1, 1971.
2. Implementation of this legislation must be accomplished through regulations adopted by the State Department of Social Welfare.
3. The welfare reform program includes administrative reform and state legislation.
4. It is essential to the efficient administration of public social services that the administrative and legislative reforms be implemented by regulation changes as soon as administratively possible to minimize the disruption in the administration of such services by the county welfare departments.
5. The regulatory changes set forth above are adopted as emergency measures to become effective November 1, 1971, to carry out the intent of the Legislature that the Welfare Reform Act of 1971 be implemented as soon as administratively possible.

The revision described above must, therefore, be adopted as an emergency measure to become effective November 1, 1971.

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FOR FILING ADMINISTRATIVE REGULATIONS
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(Pursuant to Government Code Section 11380.1)

44-329 UNDERPAYMENTS - GENERAL (Continued)

44-329

AB
ATD
OAS
AFDC

.12 Underpayment Due to Administrative Error or Inadvertence

Underpayment due to "administrative error or inadvertence"

is an underpayment due to one or more of the following mistakes
made by the county administering aid.

44-331 ACTION ON UNDERPAYMENTS

44-331

Underpayment may be subject to adjustment by balancing against
overpayment, or by payment of retroactive aid or both. The circumstances
that determine whether issuance of retroactive aid is appropriate are
set forth in the following subsections:

44-331 ACTION ON UNDERPAYMENTS (Continued)

44-331

.11 Underpayment Resulting from an Administrative Error or
Inadvertence (see Section 44-329.12 above.)

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-331 ACTION ON UNDERPAYMENTS (Continued)

44-331

AB
ATD
OAS
AFDC

Underpayment (including underpayment resulting from denial or discontinuance due to administrative error or inadvertence) shall be adjusted by payment of aid equal to the full amount of the underpayment which occurred during the one year period preceding discovery of the error or inadvertence except as provided in Sections 44-333.17 and 44.335.21.

44-333 OVERPAYMENTS - GENERAL

44-333

AB
ATD
OAS
AFDC.1 Definitions.11 Overpayment

Overpayment occurs if:

- .111 The recipient was not entitled to payment because he did not meet eligibility requirements on the first of the month for which a payment was made, including any month for which the recipient was paid aid pending a fair hearing decision.
- .112 He was eligible but the amount of the payment exceeded the amount to which he was eligible for that month, including any month for which the recipient was paid aid pending a fair hearing decision regarding a proposed overpayment adjustment or a determination of the amount to which he was eligible. However, if the aid payment in AFDC was less than \$2 in excess of the budgetary deficit, no overpayment occurred.

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(Pursuant to Government Code Section 11380.1)

44-333 OVERPAYMENTS - GENERAL (Continued)

44-333

AB
ATD
OAS
AFDC.12 Overpayment Adjustment

“Overpayment adjustment” is the liquidation of an overpayment by decrease of the aid payment to an otherwise eligible recipient or by a current cash adjustment in the amount which could have been adjusted by the decrease.

Such adjustment is possible only if:

- a. The recipient willfully withheld information (See .16 below),
or
- b. The recipient has resources or income available in the amount by which it is proposed to reduce grant payment or payments.

.13 Adjustment Period

The “adjustment period” is the period during which an overpayment adjustment may be made.

- .131 For the recipient who met his responsibility for reporting, but experienced changes in income or need which occurred too late in the month to be reflected in the grant for the current month, the maximum adjustment period is six months following the month of payment or six months following the date of the Fair Hearing decision on the propriety of the overpayment adjustment, if any.

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FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-333 OVERPAYMENTS - GENERAL (Continued)

44-333

AB
ATD
OAS
AFDC

.132 For the recipient who failed to meet his responsibility for reporting, the maximum adjustment period is one year following the month of the discovery of the overpayment or one year following the date of the Fair Hearing decision on the propriety of the overpayment adjustment, if any.

.14 Knowledge

.141 A recipient is presumed to be informed as to the provisions for eligibility and his responsibility for reporting (see Sections 40-131.3 and 44-333.2) and reasonably to understand these provisions.

.142 A recipient is presumed to know of changes in his income, need, resources and other circumstances affecting his individual situation.

.15 Responsibility for Reporting Met

A recipient has met his responsibility for reporting when, within his competence, he has made a prompt accurate, full and complete disclosure of facts material to a correct determination of eligibility and grant.

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(Pursuant to Government Code Section 11380.1)

44-333 OVERPAYMENTS - GENERAL (Continued)

44-333

AB
ATD
OAS
AFDC.16 Responsibility for Reporting Not Met: Willfully Withheld Information

A recipient has failed to meet his responsibility for reporting if he has willfully failed to report pertinent facts or has employed any willfully fraudulent device in connection with eligibility or grant determination.

.161 Willful Failure to Report

Unless the recipient effectively rebuts the presumptions of Section 44-333.14 by clear and convincing evidence, his failure to report shall be considered willful, irrespective of the recipient's negligence, mistakes, misinterpretations, errors, or inadvertence.

.162 Willfully Fraudulent Device

A willfully fraudulent device consists of any misrepresentation, oral or written, of facts material to a correct determination of eligibility and grant.

.17 Balancing

Balancing is the liquidation of all or a portion of an overpayment which is subject to adjustment or repayment by applying it against underpayment for which retroactive aid would otherwise be required.

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(Pursuant to Government Code Section 11380.1)

44-333 OVERPAYMENTS - GENERAL (Continued)

44-333

AB
ATD
OAS
AFDC.18 Grant Offset

Grant offset is a method of liquidating an overpayment for which there is a right to demand repayment by withholding from an individual, who has income or resources available to meet current needs, future aid payments to which he would otherwise be eligible.

.19 Income or Resources Available

Income or resources available to meet current needs includes cash or other assets that may be reasonably converted to cash within the overpayment adjustment period. The value assigned to any noncash asset for purposes of this definition shall not exceed the estimated cash proceeds upon liquidation.

Assets for purposes of this definition shall not include items essential to safe and healthful household operations but shall include all other items, whether exempt or not for any other purposes, such as the amount of any income disregards or the value of an automobile used for transportation to and from work.

44-333 OVERPAYMENTS - GENERAL (Continued)

44-333

AB
ATD
OAS
AFDC.3 Investigation of Overpayment

When an overpayment may have occurred, a determination is made as to whether overpayment actually occurred. If so, the following determinations are made:

.31 The period and amount of overpayment.

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(Pursuant to Government Code Section 11380.1)

44-333 OVERPAYMENTS - GENERAL (Continued)

44-333

AB
ATD
OAS
AFDC

- .32 The eligibility or grant factors which were involved. (See Section 44-335.1 below.)
- .33 Whether the recipient met or failed to meet his responsibility for reporting facts. (See Sections .15 and .16 above.)
- .34 The amount of resources or income available to meet the current needs of the recipient.
- .35 The appropriate adjustment period for the overpayment and the amount, if any, of the overpayment subject to adjustment within the adjustment period.
- .36 The amount, if any, for which there is a right to demand repayment.
- .37 What portion, if any, of the overpayment should be balanced against underpayment for which retroactive aid would otherwise be required. (See Section 44-335.21.)

44-335 ACTION ON OVERPAYMENTS

44-335

AB
ATD
OAS
AFDC

.1 Determination of Amount of Overpayment Subject to Adjustment and/or Repayment

When aid is discontinued at the end of the month in which the recipient becomes ineligible to any grant, right to demand repayment of any overpayment in that month does not exist. In other situations, the amount of overpayment subject to adjustment is as follows:

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(Pursuant to Government Code Section 11380.1)

44-335 ACTION ON OVERPAYMENTS (Continued)

44-335

AB
ATD
OAS
AFDC

.11 Overpayment due to Changes in Income or Need Which Occurred Too Late to be Reflected in the Grant of the Current Month.

When the recipient met his reporting responsibilities, the overpayment is subject to adjustment in the adjustment period provided in Section 44-333.131, up to the amount set forth in Section 44-333.12. Right to demand repayment of any balance of the overpayment does not exist.

.12 Overpayment Due to Excess Property

When the recipient met his reporting responsibilities and it cannot be established that the recipient or family received aid in bad faith, without honestly believing eligibility was properly established, a right to demand repayment of the overpayment exists. In this instance, the repayment demanded is limited to the lesser of: the highest market value of the excess property on any day during the total period of ineligibility or the amount of aid payment for such period.

.121 If the recipient has brought or brings his property reserve within the limits permitted by law so as to be eligible for aid, the overpayment may also be liquidated by any appropriate method.

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(Pursuant to Government Code Section 11380.1)

44-335 ACTION ON OVERPAYMENTS (Continued)

44-335

AB
ATD
OAS
AFDC

.13 Overpayment Due to A Willful Failure to Report by Recipient or A
Willfully Fraudulent Devise Used by Recipient.

The total overpayment, regardless of the period over which it accrued, is subject to adjustment in the adjustment period set forth in Section 44-333.132. Right exists to demand repayment for any unadjusted portion of the total overpayment.

.131 Income and resources which the recipient has failed to report or has misrepresented shall be considered to be currently available in the adjustment period, without regard to any income exemptions which might have otherwise been applied, until the overpayment is recovered. In AFDC, however, the grant in any month to a needy child may be reduced below the needs of such a child, considered exclusively, only to the extent that the parents or other responsible persons have actual available income and resources.

.132 In those cases in which the recipient has failed to report or has misrepresented other facts material to a correct determination of eligibility or grant, the resulting overpayment is to be considered income and resources which the recipient has failed to report or has misrepresented.

(See .131 immediately above.)

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(Pursuant to Government Code Section 11380.1)

44-335 ACTION ON OVERPAYMENTS (Continued)

44-335

AB
ATD
OAS
AFDC

.14 Overpayment Due to Two Ineligibility Factors Existing Concurrently

The amount of overpayment subject to adjustment and/or repayment and the adjustment period is to be based on the single eligibility factor which results in the larger amount of repayment due.

.2 Methods of Liquidating Overpayments

Overpayment subject to adjustment in the adjustment period or subject to repayment is to be liquidated to the greatest extent possible in accord with one or more of the following methods as appropriate.

.21 Balancing of Overpayments

Overpayment which was subject to adjustment or repayment at the time it occurred may be balanced against an underpayment owed thereby reducing the overpayment otherwise subject to adjustment or repayment and/or the underpayment for which retroactive aid would otherwise be required.

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(Pursuant to Government Code Section 11380.1)

44-335 ACTION ON OVERPAYMENTS (Continued)

44-335

AB
ATD
OAS
AFDC.22 Grant Adjustment for Overpayment

Overpayment which is subject to adjustment in the adjustment period as provided in Section .1, above, and which is not being liquidated by balancing against underpayment is to be adjusted to the greatest extent possible by appropriate reduction in the grant or by current cash adjustment within the adjustment period.

.221 Allocation of Adjustment Within Adjustment Period

- a. Whenever feasible and consistent with the requirement that the overpayment be adjusted to the greatest extent possible, adjustment shall be accomplished by spreading the overpayment subject to adjustment among the months in the adjustment period.
- b. When the "adjustment period" for a portion of the overpayment is the period following the overpayment, and the adjustment period for the balance of the overpayment is the period following the time of discovery of the overpayment, there is only one adjustment period, i.e., the period following discovery of the overpayment.

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(Pursuant to Government Code Section 11380.1)

44-335 ACTION ON OVERPAYMENTS (Continued)

44-335

AB
ATD
OAS
AFDC

- .231 If the recipient or former recipient refuses or is unable to repay the total amount of the overpayment or if the amount of the overpayment otherwise liquidated does not equal the overpayment, the county shall proceed through its appropriate legal officer to reduce the amount owed to a judgment, unless the amount owed is less than \$50.
- a. An abstract of such a judgment shall then be recorded pursuant to Section 674, Code of Civil Procedure, in any county in which the recipient or former recipient owns real property.
- b. In addition, in the case of a recipient who is found to be ineligible for further aid, the county shall take all appropriate action pursuant to Section 681 et seq., Code of Civil Procedure, to execute such a judgment.
- .232 Nothing above shall be taken to preclude the county from arriving at a reasonable settlement of its demand for repayment with the recipient or former recipient, provided that if the state's interest in the unliquidated amount of the overpayment exceeds \$500, such a settlement must be approved by the Director, SDSW.

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(Pursuant to Government Code Section 11380.1)

44-335 ACTION ON OVERPAYMENTS (Continued)

44-335

AB
ATD
OAS
AFDC

.24 Grant Offset for Overpayment

.241 When Offset is Used

A recipient from whom there is a right to demand repayment (whether such right has been reduced to a judgment or not) but who is currently eligible and has income and resources may repay from his income and resources or be permitted to liquidate repayment due by foregoing aid which would otherwise be paid to him. This latter method is known as "grant offset."

The grant offset method of repayment is used if:

- a. The recipient possesses income and resources at the time the amount of overpayment is to be offset in a sufficient amount to provide support at the rate of the grant which would otherwise be paid during the period of offset, and

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(Pursuant to Government Code Section 11380.1)

44-335 ACTION ON OVERPAYMENTS (Continued)

44-335

AB
ATD
OAS
AFDC.244 Offset Resulting in Discontinuancea. Amount of Offset Exceeds Amount of Grant

If the amount of repayment to be offset exceeds the amount of the grant to which the recipient is currently eligible, aid is discontinued. The recipient shall be advised in writing of the period over which he is expected to support himself from his liquid assets, and of his responsibility to keep a record of his needs and income during this period, to inform the agency promptly of any changes, and to report to the agency as often as required by the agency.

b. Restoration Requested After Offset Discontinuance

When restoration is requested, the total aid which would have been payable during the period of discontinuance shall be determined on the basis of needs and income during the period of discontinuance. This amount is the amount of overpayment offset by discontinuance. If this amount is less than anticipated at the time aid was discontinued and the recipient is currently eligible, immediate repayment of the amount due is secured or the period of discontinuance is extended accordingly. If the recipient is ineligible for current aid for any reason, immediate effort shall be made to obtain repayment of any unadjusted balance of repayment due.

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(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed effective 11/1/71:

44-335.3 Summary Tables - Action on Overpayments

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(Pursuant to Government Code Section 11380.1)

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 1, 1971

By: 

Director

(Title)

FILED

in the Office of the Secretary of State
 of the State of California

NOV 1 - 1971

At 5:10 o'clock P. M.

EDMUND C. BROWN Jr., Secretary of State

By: 

Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

New:

Section 42-215.34

Revised:

Section 42-207

42-211.1

42-211.2

42-213.21

42-215.33

42-215.4

42-213.224 (renumbered from 42-213.225)

Repeal:

Section 42-213.224

42-213.268

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature on August 11, 1971, and signed by the Governor on August 13, 1971. Section 43 of this legislation provides that the act shall become operative on October 1, 1971.
2. Implementation of this legislation must be accomplished through regulations adopted by the State Department of Social Welfare.
3. The welfare reform program includes administrative reform and state legislation.
4. It is essential to the efficient administration of public social services that the administrative and legislative reforms be implemented by regulation changes as soon as administratively possible to minimize the disruption in the administration of such services by the county welfare departments.
5. The regulatory changes set forth above are adopted as emergency measures to become effective November 1, 1971, to carry out the intent of the Legislature that the Welfare Reform Act of 1971 be implemented as soon as administratively possible.

The revision described above must, therefore, be adopted as an emergency measure to become effective November 1, 1971.

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(Pursuant to Government Code Section 11380.1)

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT 42-207

AB
APSB
ATD
OAS

a. Property Used as a Home

If real or personal property owned by the applicant, or in which the applicant owns an interest with any other person, is used to provide the applicant with a home, the value is disregarded in determining property holdings. The home may be a single dwelling or one with multiple units provided the units not occupied by the applicant are yielding income for his support consistent with their rental value. (See Income Chapter.)

It shall be considered that property is used as a home and the value disregarded during temporary absence as long as there is sound basis for anticipating that the recipient will again occupy the property within a reasonable period of time.

APSB
ATD
OAS

b. Real Property Held to Produce Income

1. Additional real property may be owned by the applicant or in combination with his spouse provided (1) it is producing income consistent with its value and such income is used for the support of the applicant and (2) the total county assessed value of the property does not exceed \$5,000. (See Section 42-217, Utilization of Real Property, and Net Income in Income Chapter.)

AB

2. Additional real property may be owned by the applicant, or in combination with his spouse, provided it is producing income consistent with its value and such income is used for the support of the applicant. There is no monetary or assessed value limit on the amount of such real property which can be retained. However, it must be producing sufficient income to make an appreciable contribution to the support of the recipient.

AB
APSB
ATD
OAS

3. Real property subject to the income producing requirement is property which is not contiguous to the home property, or if contiguous, is so situated that it could be utilized to contribute to the support of the applicant without jeopardizing free use of the home, access to water, etc. (See definition of "contiguous" under Section .1, Interpretation, above.)

In determining if the income from real property subject to the income producing requirement is consistent with the market value of the property, the total market value is considered regardless of any encumbrances against the property. (See Section 42-217.11.)

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CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT 42-207
(Continued)

AB
ATD
OAS

c. Motor Vehicles

OAS, AB, APSB and ATD shall not be granted or paid to a person who is a registered owner or legal owner, of motor vehicles which are valued at more than \$1,500 without regard to encumbrances. See Section 42-215.33 for determination of value.

AFDC

AFDC shall not be granted or paid to any family or on behalf of any orphan child when the members of the Family Budget Unit or the orphan child is the registered owner or legal owner of motor vehicles which are valued at more than \$1,500 without regard to encumbrances. See Section 42-215.33 for determination of value.

AB
ATD
OAS

d. Household Items

OAS, AB and ATD shall not be granted or paid to a person who owns household furnishings valued, without regard to encumbrances, in excess of \$1,500; nor shall OAS, AB and ATD be granted or paid to a person who owns any item used to provide, equip, and maintain a household when such item is valued, without regard to encumbrances, in excess of \$300.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT
(Continued)

42-207

AFDC

AFDC shall not be granted or paid to any family or on behalf of any orphan child when the members of the Family Budget Unit or the orphan child owns household furnishings valued, without regard to encumbrances, in excess of \$1,500; nor shall AFDC be granted or paid to any family or on behalf of any orphan child or to a family if the members of the Family Budget Unit or the orphan child owns any item used to provide, equip and maintain a household when such item is valued, without regard to encumbrances, in excess of \$300.

AB
ATD
OAS
AFDC

For purposes of this section, items used to provide, equip and maintain a household shall be limited to the following: stove, refrigerator, clothes washer, clothes dryer, dish washer, air conditioner, space heater, television set, phonograph, radio, kitchenware, all appliances, and cleaning and gardening equipment. All other items in the household, except for jewelry, heirlooms, clothing, motor vehicles, campers, trailers, boats, musical instruments and recreational equipment shall be considered as household furnishings.

See Section 42-215.31 for determination of value.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT
(Continued)

42-207

e. Property Held for Use in a Plan of Self-Support

AB ATD 1. An AB or ATD recipient with an approved plan of self-support may retain real and/or personal property in excess of that specified for an AB or ATD recipient, in the above sections, for a period not to exceed 36 months, subject to the limitations set forth in Section 44-111.47.

APSB 2. An APSB recipient with a plan for achieving self-support may retain real and/or personal property in excess of that specified for APSB recipients in the above sections, provided (1) such property is or will be required to effectuate his plan for self-support and (2) the county assessed value does not exceed \$5,000 after encumbrances of record are deducted.

AFDC f. Real Property - AFDC

1. The combined real property holdings of a child and his parents, including the home and all other real property, may not exceed a county assessed value of \$5,000 after encumbrances of record are deducted.

2. Real property owned but not occupied as a home by the child or the parents of such child must be used to provide for the needs of the child or his parents or both. (See Section 42-217.)

AB APSB ATD OAS g. Real and Personal Property - Adult Programs

1. The applicant for APSB, ATD or OAS may also retain as a reserve additional real and/or personal property not to exceed a value of \$1,200 (\$1,500 in AB). Separate property owned by the applicant or recipient and his share of community property is included in evaluating his total property reserve. (See Section 42-209). The separate property of a spouse is not included.

If both of a married couple are recipients of public assistance, the property reserve of each must be within the foregoing limit. In addition, the outside limit of total reserves may not exceed \$2,000 (\$3,000 in AB) for the couple.

Real property included as part of such reserve shall be valued at its net market value. The value of any reserve which is personal property is the net market value available to the applicant for his use.

If each of a couple is an applicant and/or recipient of public assistance and the property reserve of each spouse does not exceed \$1,200 (\$1,500 if each of the couple is an applicant for or recipient of AB) but their combined property reserve exceeds \$2,000 (\$3,000 for AB), aid is granted (or continued) to one spouse and aid for the other spouse is denied (or discontinued). When aid can be granted to either one of the couple but cannot be granted to both, the decision as to which one shall receive aid rests with the couple. If it is to their advantage to grant to one rather than the other, this shall be explained.

If one of a couple is an applicant or recipient of OAS or ATD and the other is an applicant or recipient of AB or APSB their combined property reserve may not exceed \$2,000.

APSB 2. In addition, the APSB recipient may retain other real and/or personal property not to exceed a county assessed value of \$5,000 less the total amount of encumbrances of record against such property. If the personal property is not assessable, the current market value shall be determined and the ratio which the assessed value in the county bears to the market value shall be used.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-207 PROPERTY WHICH MAY BE RETAINED BY AN APPLICANT OR RECIPIENT
(Continued)

42-207

AFDC

h. Personal Property - AFDC

AFDC shall not be granted or paid to any family or on behalf of any orphan child when the members of the Family Budget Unit or the orphan child owns personal property, the total value of which exceeds \$600.

AB
APSB
ATD
OAS
AFDC

i. Personal Property - All Programs

In addition to the above items, an applicant or recipient may retain items of personal property, other than cash, securities, instruments or other evidence of indebtedness such as notes, mortgages and deeds of trust, of a market value not to exceed one thousand dollars (\$1,000).

AB
ATD
OAS
AFDC

j. In no instance may the value of an applicant's or recipient's property, which is reserved under g., h., and i., above, exceed two thousand dollars (\$2,000).

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH
MAY BE RETAINED (Continued)

42-211

AB
APSB
ATD
OAS
AFDC

.1 Real Property to be Included

.11 In addition to the items included in the definition of real property in Section 42-203.1 the following are to be evaluated as real property:

- a. cemetery property held for profit
- b. stocks in a water company not appurtenant to the land in furnishing water for agricultural purposes.

.12 Any item defined in Section 42-211.11 which is owned (see Section 42-203) by an applicant or recipient is subject to the limits set forth in Section 42-207, unless it is specifically excluded by Section 42-213.1. Real property owned by an applicant or recipient includes real property which:

- a. secures any of his debts.
- b. is being purchased or sold by him under a contract of sale.
- c. is being held by him with retention of life estate.
- d. is held in trust for him and is available to him for disposition or use.
- e. is held for him in an undistributed estate and is available for his use prior to distribution.
- f. is being sold by him and is held in escrow.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH
MAY BE RETAINED (Continued)

42-211

AB
APSB
ATD
OAS
AFDC.2 Personal Property to be Included

- .21 All property which is not listed in Section 42-211.1, including the following items, is evaluated as personal property:
- a. cash, savings accounts and the net market value of securities.
 - b. value of notes, mortgages, and deeds of trust (for exception see Section 42-219.2).
 - c. burial reserves of any type which have a cash value available to the recipient during his lifetime.
 - d. lessee's interest in a lease of real property for a period of years unless the property is used as a home (see Section 42-207.1).
 - e. commercial or other business enterprises including farm equipment, livestock and fowl other than that retained for family use only.
 - f. interests in firms in receivership, in undistributed estates, or in trust funds of which the applicant or recipient is a beneficiary, provided such property is available.
 - g. cash surrender value of life insurance on the life of the applicant or recipient and on the life of the spouse, or in AFDC on the life of the child or his parents.
 - h. certain types of lump-sum income (see Sections 44-111.4 and 42-209).

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-211 PROPERTY ITEMS TO BE INCLUDED IN EVALUATING PROPERTY WHICH
MAY BE RETAINED (Continued)

42-211

AB
APS B
ATD
OAS
AFDC

i. personal effects.

j. boats, campers, trailers, musical instruments, and recreational
equipment.

k. motor vehicles.

.22 Any item listed in Section 42-211.21 which is owned (see Section
42-203) by an applicant or recipient is subject to the limits
set forth in Section 42-207, unless specifically excluded in
Section 42-213.2. Personal property owned by an applicant or
recipient includes personal property which:

a. secures any of his debts.

b. is being purchased or sold by him under a conditional sales
contract.

c. is being held by him with retention of life estate.

d. is held in trust for him and is available to him for
disposition or use.

e. is held for him in an undistributed estate and is available
for his use prior to distribution.

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(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH
MAY BE RETAINED (Continued)

42-213

AB
APSB
ATD
OAS
AFDC

.21 Applicable to All Programs

.211 Funds held in escrow account if the escrow can be revoked
only upon the consent of all parties involved.

.212 Stock in a water company not appurtenant to the land in
the amount necessary for agricultural purposes.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH 42-213
MAY BE RETAINED (Continued)AB
APSB
ATD
OAS
AFDC

- .213 The value of the following personal effects:
- a. Wedding and engagement rings
 - b. Heirlooms
 - c. Clothing
 - d. All household furnishings and each item used to provide, equip and maintain a household for the applicant or recipient, subject to the limitation given in Section 42-207(d).
- .214 Loans not available for current need because of conditions imposed by the lender.
- .215 A share in an estate which is not distributed and of which the person has no economic use.
- .216 The following burial reserves when the total amount paid for all such items does not exceed \$1,000:
- a. Money or securities placed in an irrevocable trust for funeral, cremation or interment expenses with any of the trustees mentioned in Section 7736 of the Business and Professions Code.

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH 42-213
MAY BE RETAINED (Continued)

AB
APSB
ATD
OAS
AFDC

An irrevocable trust, within the meaning of this section is a written agreement between the applicant or recipient and the trustee(s) which expressly provides that the trust agreement is irrevocable, and that the trustee obligates himself to apply the money held in trust for the funeral, cremation or interment of the applicant or recipient.

Trustees mentioned in Section 7736 of the Business and Professions Code are limited to:

- (1) A banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds.

or

- (2) Not less than three persons, one of whom may be an employee of the funeral director who is entering into a Preneed Funeral Arrangement as provided in Business and Professions Code Sections 7735 through 7742.

- b. Life or burial insurance purchased specifically for funeral, cremation or interment expenses which is placed in an irrevocable trust or which has no loan or cash value available to the insured during his lifetime. Included are:

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(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH
MAY BE RETAINED (Continued)

42-213

AB
APSB
ATD
OAS
AFDC

(1) An insurance policy on the life of the applicant payable to a beneficiary who has irrevocably agreed to apply the proceeds from the insurance for funeral, cremation or interment of the insured.

(2) An insurance policy which is payable on death to the estate of the insured and thus, in effect, becomes a resource earmarked for burial.

c. Securities issued by a licensed cemetery authority which by their terms are convertible only into payment for funeral, cremation or interment expenses.

In addition to the foregoing, the value of an interment plot, vault or crypt, retained for use of the owner, is also excluded from consideration as personal property and is not subject to the \$1,000 total payment limitation specified above.

Burial reserves excluded from consideration as personal property under this section are considered to be the separate property of the person for whose use they are intended.

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WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH 42-213
MAY BE RETAINED (Continued)AB
APSB
ATD
OAS
AFDC

.217 Equipment and Material

The value of equipment and material, including inventories, which is necessary to implement an approved plan of employment, rehabilitation, or self-care necessary for employment of the applicant or recipient. However, if the value, before deducting encumbrances, exceeds \$200 the equipment and material shall not be excluded under this subsection.

The total value of one motor vehicle which is necessary to implement an approved plan of employment, rehabilitation, or self-care necessary for employment of the applicant or recipient, subject to the limitation given in Section 42-207c.

42-213 PROPERTY ITEMS TO BE EXCLUDED IN EVALUATING PROPERTY WHICH 42-213
MAY BE RETAINED (Continued)AB
APSB
ATD
OAS

.224 Separate personal property of a spouse except when the spouse is also an applicant for or a recipient of public assistance. (See Section 42-207.31.)

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-215 DETERMINING VALUE OF PROPERTY (Continued)

42-215

AB
APSB
ATD
OAS
AFDC

.33 Determination of Value of a Motor Vehicle

The value of a motor vehicle is determined by multiplying the annual license fee (minus the registration fee) by 50 and then deducting any encumbrances which are related to the purchase of the motor vehicle, within the limitations specified in .4 below. In order to be related to the purchase, the encumbrance must be made for the sole purpose of financing or refinancing the purchase of the motor vehicle and such financing or refinancing may not generate any cash benefit to the applicant or recipient.

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FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-215 DETERMINING VALUE OF PROPERTY (Continued)

42-215

AB
APSB
ATD
OAS
AFDC

.34 Acceptable Evidence of Value of a Motor Vehicle

.341 The applicant's or recipient's current DMV registration card for each motor vehicle owned by him is acceptable evidence of the value.

.342 Acceptable evidence of the amount of encumbrances will be the same as that listed in .322 above.

.4 Encumbrances

Encumbrances of record against any personal property are obligations for which the property is security and include, but are not limited to, the following:

.41 Loans.

.42 Attachments for debts or taxes.

.43 Chattel mortgages and liens.

.44 The unpaid balance on the purchase price of property purchased under a conditional sales contract.

.45 The amount paid on the principal for property sold under a conditional sales contract.

.46 Funeral and last expenses of a deceased person when all or a portion of the personal property received from the death of such person is to be used to defray such expenses.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 11/1/71:

42-213.224 A Motor Vehicle Needed for Transportation
42-213.268

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Effective 11/1/71

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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NOV 19 1971

Office of Administrative Procedure

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 18, 1971

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 19 1971

At 9:00 o'clock a.m.
EDMUND G. BROWN, Jr., Secretary of State

By:

Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

41-303 DEFINITION OF PERMANENT AND TOTAL DISABILITY

41-303

ATD
MN.1 General Requirement

The applicant shall have a major medically verified physical or mental impairment or combination of impairments

These impairments shall be permanent and total and substantially prevent him from engaging in a useful occupation within his competence, such as gainful employment or homemaking. _____.

.11 Qualifying Medical Impairments

Any major physical or mental condition or disease which is irremediable in nature and expected to last throughout the lifetime of the individual and which totally disables the individual may be considered a disability for the purpose of ATD. _____.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-303 DEFINITION OF PERMANENT AND TOTAL DISABILITY (Continued)

41-303

ATD
MN.12 Two or More Impairments

A person may have two or more impairments, neither of which alone may be severe enough to qualify him, but the combined impairments are evaluated by the ATD Review Teams in light of their combined effect upon the person's ability to engage in a useful occupation.

.13 Nonqualifying Criteria

.131 Unemployability for other than medical reasons is not a qualifying criterion.

.2 Determination of Disability

The disability determination takes into account not only the diagnosis but the stage of the impairment, the person's response to his illness or condition, remedial services available to the individual and the amount of risk involved in possible treatment.

.21 Permanent Disability

For the disability to be considered permanent, the impairment(s) of major importance must be expected to continue throughout the lifetime of the individual; that is: (1) likely to be of long continued or indefinite duration or in a terminal stage; and (2) unlikely to improve through any known and generally accepted medical treatment or be diminished through such treatment to the extent that it ceases to be of major importance, even though partial improvement may be expected.

The fact that vocational rehabilitation or work training is or may be a possibility for the applicant does not preclude a finding of permanent disability.

- .211 Persons shall not be required to take major risks in order to qualify for aid, with special reference to surgery or controversial or dangerous medicines. Bona fide religious objections to treatment shall be respected.
- .212 Obesity, alcoholism, or continued smoking in the face of a diagnosis which contraindicates, shall not disqualify the person for aid if his medical condition has reached a level of severity which indicates disability.
- .213 The judgment concerning permanence shall depend on how advanced the condition is and the extent of the involvement at the time of the application. Some illnesses are subject to fluctuations. Others are held in check temporarily by treatment, e.g., hormone therapy or surgery in certain cancer cases.

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Effective 12/20/71

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-303 DEFINITION OF PERMANENT AND TOTAL DISABILITY(Continued)

41-303

ATD
MN

.22 Total Disability

To be totally disabled, the person must be substantially prevented by reason of his permanent impairment from engaging in a useful occupation within his competence.

Total disability within the definition does not mean inability to perform all tasks in a given occupation. For example, a homemaker confined to a wheelchair would be eligible even though she could perform some of the tasks in homemaking, but there remain a substantial number which she cannot perform without assistance.

.221 Substantially Prevents

A person is substantially prevented from engaging in a useful occupation (1) if he is unable to perform activities required by gainful employment well enough, for a sufficient number of hours or with sufficient regularity to receive substantial and predictable remuneration for such employment; or (2) with regard to the homemaker, the disability must be such that it prevents the person from performing consistently and adequately a significant combination of homemaking activities within acceptable standards of decency and health.

.222 Competence

Competence means that the impairment substantially prevents performance of activities required by any useful occupation for which the individual is fitted by training, education, or work experience and which exists in the community. Competence is based on age, education, training, and psychological makeup.

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(Pursuant to Government Code Section 11380.1)

41-303 DEFINITION OF PERMANENT AND TOTAL DISABILITY (Continued) 41-303

ATD
MN.3 Useful Occupation.31 Useful Occupation - Employment

Useful Occupation refers to gainful employment for which there is a return in wages. It does not include activities primarily of a therapeutic or rehabilitative value, even though there may be some money return for the activity. A useful occupation may be seasonal if performed regularly each year.

.311 "Make Work" which exists only to give employment to a particular individual shall not be regarded as a useful occupation.

.312 Employment in a sheltered workshop may or may not be considered a useful occupation depending upon the workshop auspices, wages earned, number of hours worked daily, similar jobs available in a competitive setting, job performance, etc.

.32 Useful Occupation - Homemaking

A homemaker is defined as a person of either sex who carries homemaking responsibilities for at least one person in addition to himself. A homemaker is evaluated against both employability and ability to carry the major duties of homemaking. A person living alone shall not be evaluated as a homemaker.

A person who has carried the responsibilities for both homemaking and employment and is unable to continue employment shall be evaluated against homemaking. Homemaking responsibilities include maintenance of the home in an acceptable state of cleanliness, laundry, preparation of meals, procurement of necessary supplies. Activities of homemaking also include: the care of young children, such as lifting and carrying infants, and in an emergency, preschool children; accompanying children to community activities; to sources of medical care; and in primitive settings, carrying water or fuel and building fires.

A finding that a person is unable to perform the occupation of homemaking shall require a determination that he is unable to perform a significant combination or grouping of homemaking activities because of his permanent impairment.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

CORRECTORY AMENDMENT

(Through clerical error, certain portions of recodified sections were omitted in the filing of the recodified Chapter 42-200, Property, effective 10/1/71)

42-221 TRANSFER OF PROPERTY (Continued)

42-221

AB
APSB
ATD
OAS
AFDC

**.25 Transfer of Real Property with Retention of Life Estate
(Eligibility Not Affected)**

Real property transferred with retention of life estate is subject to the monetary and/or assessed value limits as set forth in Section 42-207.

.251 The Home Property

Transfer of real property at any time with the retention of life estate does not result in ineligibility when the property is the home of the grantor and will continue to be utilized to meet his housing need.

.252 Property Other Than the Home

Transfer of real property with retention of life estate within two years prior to application does not result in ineligibility if:

- a. The property is being utilized or a plan for utilization is in progress and the transfer does not preclude future utilization by the life tenant, or
- b. Development of a reasonable plan for utilizing the property is not possible.

The life estate agreement must be written and recorded. (See Section 42-221.34 for circumstances under which it is presumed that a transfer of property with retention of life estate results in ineligibility.)

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: November 30, 1971

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 30 1971

At 3:05 o'clock P.M.

EDMUND G. BROWN, Jr., Secretary of State

By: 
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-207.1
44-208.1
44-311.111
44-311.113

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

STATEMENT OF EMERGENCY

The following facts constitute the emergency:

1. The Welfare and Institutions Code requires an annual cost of living adjustment of grants paid to recipients in independent living arrangements receiving aid pursuant to the Old Age Security, Aid to the Blind, Aid to the Potentially Self-Supporting Blind, and Aid to the Disabled Programs.
2. The Director of Social Welfare by formal declaration dated September 1, 1971 established the appropriate cost of living increases to be included as part of the grants to be paid such recipients.
3. The declaration established the effective date of the cost of living increases as December 1, 1971.
4. In order for such recipients to receive these increased benefits effective December 1, 1971, the amendments to the regulations described above are adopted as emergency measures.

Adoption of the above described amended regulations is therefore required effective December 1, 1971.

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**CONTINUATION SHEET
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(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT —
OWN HOME (Continued)

44-207

AB
ATD
OAS

.1 NEEDS CHART — RECIPIENT LIVING IN HIS OWN HOME

.11 Recipient Lives Alone

Item	Allowance by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient	\$ 92.00	\$ 92.00	\$ 92.00
Minimum needs related to age, blindness or disability	37.00	17.00	23.00
Cost-of-living increase	<u>6.00</u>	<u>5.00</u>	<u>5.00</u>
Minimum housing need	30.00	--	21.00
TOTAL	<u>\$165.00</u>	<u>\$114.00</u>	<u>\$141.00</u>
Housing allowance beyond minimum (Allowed if paid by recipient)	\$ 0 - 33.00	\$ 0 - 63.00	\$ 0 - 42.00
Minimum and maximum ^{1/} need amounts	<u>\$165.00</u> <u>198.00</u>	<u>\$114.00</u> <u>177.00</u>	<u>\$141.00</u> <u>183.00</u>

^{1/} For exceptions, see Section .21, below.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT —
OWN HOME (Continued)

44-207

AB
ATD
OAS

.12 Recipient in Shared Living Arrangement

Item	Allowance by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient	\$ 92.00	\$ 92.00	\$ 92.00
Minimum need related to age, blindness or disability	37.00	12.00	23.00
Cost-of-living increase	<u>6.00</u>	<u>5.00</u>	<u>5.00</u>
Minimum housing need	30.00		21.00
TOTAL	<u>\$165.00</u>	<u>\$109.00</u>	<u>\$141.00</u>
Housing allowance beyond minimum (Allowed if paid by recipient)	\$ 0 — 15.00	\$ 0 — 45.00	\$ 0 — 24.00
Minimum and maximum ^{1/} need amounts	<u>\$165.00</u> <u>180.00</u>	<u>\$109.00</u> <u>154.00</u>	<u>\$141.00</u> <u>165.00</u>

^{1/} For exceptions, see Section .21, below.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-208 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING ARRANGEMENT - BOARD AND ROOM

44-208

AB
ATD
OAS

.1 Needs Chart — Recipient Living in Board and Room Arrangement

Item	Allowances by program		
	AB	ATD	OAS
Minimum needs common to every adult aid recipient	\$ 55.00	\$ 55.00	\$ 55.00
Minimum needs related to age, blindness or disability	28.00	12.00	16.00
Cost-of-living increase	6.00	5.00	5.00
Minimum board and room	76.00		65.00
TOTAL	\$165.00	\$ 72.00	\$141.00
Board and room allowance beyond minimum (Allowed if paid by recipient)	\$ 0 - 26.00	\$ 0 - 87.00	\$ 0 - 37.00
Minimum and maximum ^{1/} need amounts	<u>\$165.00</u> <u>191.00</u>	<u>\$ 72.00</u> <u>159.00</u>	<u>\$141.00</u> <u>178.00</u>

^{1/} See exception in .2, below.

44-311 STATUTORY MAXIMUM GRANTS — ADULT PROGRAMS

44-311

AB
ATD
OAS

.1 Program Grant Maximums

There are different monthly grant maximums for the various public assistance programs.

.11 Recipient in Independent Living Arrangement (See Sections 44-207 and 44-208)

AB .111 Grant Maximum for the Blind

The grant maximum is \$215 unless there is need for attendant care in which case an additional amount may be allowed as provided in Section 44-239.

ATD .112 Grant Maximum for the Disabled

There is no statutory maximum.

OAS .113 Grant Maximum for the Aged

The grant maximum is \$206 unless there is need for attendant care in which case an additional amount may be allowed as provided in Section 44-239.

Effective 12/1/71

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FORM 400, 1-67

FACE SHEET
F. FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

NOV 30 1971

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.1)

NOV 30 1971

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare
(Agency)

Dated: November 30, 1971

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

NOV 30 1971 M

At 3:05 o'clock P.M.

EDMUND F. BROWN, Jr., Secretary of State

By:

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING
ARRANGEMENT - OWN HOME (Continued)

44-207

AB
ATD
OAS

.212 Housing Especially Constructed for the Aged

Maximum allowances for housing and utilities may be increased up to 20 percent, i.e., to \$75 for unshared housing and to \$54 for shared housing provided all of the following conditions are met:

- a. The housing is rental housing especially constructed for the aged under a publicly assisted housing program, or it meets the building standards prescribed for such housing. Determination of whether other housing meets the building standards prescribed for housing especially constructed for the aged under a publicly assisted housing program must be made by qualified staff of the State Department of Housing and Community Development or by the local agency responsible for code enforcement. For this purpose counties are authorized to enter into such agreements as may be needed with such department or agency.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-207 MINIMUM NEEDS OF RECIPIENT IN INDEPENDENT LIVING
ARRANGEMENT - OWN HOME (Continued)

44-207

AB
ATD
OAS

- b. The housing unit occupied by the recipient includes housekeeping facilities adequate for preparation of all meals and there is no requirement that the recipient eat a portion of his meals in a communal dining room.
- c. The recipient is able to and, in fact, does his own cooking and no special need allowance for restaurant meals is necessary.
- d. The rental charge, including minimum utilities for the unit occupied by the recipient does not exceed \$90 for unshared housing or \$70 for the recipient's share of the charge in shared housing.

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FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 16 1971

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

DEC 16 1971

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 16, 1971

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 16 1971

At 4:55 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 43-103
43-109.3
43-109.4
43-109.41
43-109.42
43-109.5
43-109.51
43-109.6
43-111.16
43-111.42

Add:

Section 43-109.7
43-111.161
43-111.162
43-111.421
43-111.422

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature on August 11, 1971, and signed by the Governor on August 13, 1971. Section 43 of this legislation states that the act would become operative on October 1, 1971.
2. Implementation of this legislation must be accomplished through regulations adopted by the State Department of Social Welfare.
3. The welfare reform program includes administrative reform and state legislation.
4. On September 24, 1971, regulations were properly filed with the Secretary of State as emergency measures within the meaning of the provisions of Section 11421(b) of the Government Code. The regulations so filed implemented provisions of the welfare reform program dealing with the liability of adult children for grants paid to their parents under the Old Age Security (OAS) Program.
5. It is essential to the efficient administration of the OAS Program and to the continued implementation of the welfare reform program that the liability of such responsible relatives and the administrative guidelines for collection of these amounts be defined as clearly as possible.
6. In order to ensure uniform and equitable application of the provisions of the welfare reform program, requiring contributions from such children and to minimize further the administrative problems created by changes in the OAS Program, it is necessary to adopt these regulations on an emergency basis.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

7. The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-103 EFFECT OF RELATIVE RESPONSIBILITY ON AID PAYMENTS

43-103

OAS The granting or continuing of aid payments shall not be withheld pending determination of the liability of a responsible relative to contribute to the support of the applicant or recipient provided the applicant or recipient has met his responsibility for reporting facts known to him including any contributions he is receiving from the responsible relative. Similarly, the granting or continuing of aid payments to an otherwise eligible applicant or recipient is in no way contingent upon the relative meeting his prescribed liability.

Contributions from responsible relatives for the support of OAS recipients must be remitted to the county welfare department. The contributions are considered to be recoveries on cash grants paid to OAS recipients and do not affect determination of eligibility or the amount of the grant.

Contributions paid directly to OAS recipients do not discharge the responsible relative from his support obligation (except in-kind contributions, see Section 43-109.4). However, contributions actually received by an applicant or recipient must be reported as income and shall be considered in the determination of eligibility and the amount of the grant.

Failure of the responsible relative to cooperate in providing the information necessary to determine his liability or failure of the relative to meet his liability as fixed by the county are bases for a report by the county to the district attorney or other civil legal officer for appropriate action.

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Effective 12/16/71

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS .3 Degree of Liability

The county shall determine the net income of the adult child as provided in .1 above, the number of his dependents and shall then fix maximum liability in the amount prescribed by the Relatives' Contribution Scale, unless such liability is modified as permitted by Sections 43-109.32 or 43-109.6.

.4 Evaluation of Contributions In Kind by an Adult Child

An adult child may meet his liability in full or in part by a cash contribution, a contribution in-kind, or a combination of both. In-kind contributions, as well as cash contributions, made directly to the recipient are not subject to the general income exemption provisions in Section 44-111.11. The following rules determine the extent, if any, to which liability can be met by a contribution in kind.

.41 Contribution of an Item in the OAS Standard of Assistance

Such contribution shall be valued at the actual cost to the relative or the maximum allowance for the item in the standard, whichever is less. (See Chapter 44-200).

.42 Contribution of Item Outside Standard of Assistance

Such contribution does not serve to modify or to meet any portion of the relative's legal liability.

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Effective 12/16/71

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS .5 Remittance of Contributions

The responsible relative must remit monthly to the county welfare department the amount prescribed in Section 43-109.31 (or such lesser amount prescribed in .6 below), less the value of any in-kind contributions described in Section 43-109.4.

.51 Contributions in excess of the amount required in Section 43-109.31 may be remitted directly to the applicant or recipient, in which case the applicant or recipient must report such contributions to the county welfare department as income.

.6 Modification of Contribution Liability

When the liability of an adult child of an OAS recipient or applicant exceeds the amount of the cash grant, the liability will be reduced to the amount of the cash grant unless such adult child owes the county contributions for any previous month as determined by the county.

When an OAS applicant or recipient has more than one adult child with a responsible relative liability and the sum of their respective liabilities exceeds the amount of the cash grant, the liabilities of the respective adult children may be reduced proportionately to a total amount equal to the amount of the grant. The county may take into consideration any contributions unpaid in previous months and any difficulty in previous collection efforts in determining whether to modify the liability of one or more of the adult children. However, any amount not collected from one or more of

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Effective 12/16/71

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-109 RESPONSIBILITY OF ADULT CHILD (Continued)

43-109

OAS

the adult children is a liability of the other adult children and is recoverable from any of the remaining adult children up to the amount shown in Section 43-109.31 for that child.

.7 Disposition of Contributions in Excess of the Amount of the Cash Grant

Any excess contributions which are received by the county shall be applied first to past months unpaid liability beginning with the earliest month for which payment has not been received, but not before October, 1971. Any remainder shall be held for application to the liability for the next month, and any amount then remaining may be held to be applied toward the liability for future months or refunded to the contributors at the discretion of the county. If such excess amount is received from more than one adult child, the excess shall be returned or credited according to the proportionate shares contributed.

If aid is terminated, the county shall return to the contributing adult child(ren) any such remaining contributions held by the county.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-111 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY
 OF AN ADULT CHILD (Continued)

43-111

OAS

.16 Notification

The relative shall be notified of the amount of his liability by means of AG 246 or an equivalent substitute form.

.161 Effective Date

The effective date of the liability shall be the first day of the month in which the responsible relative was first contacted by the county by interview or in writing concerning his liability or possible liability.

.162 Notice When Relative's Liability Exceeds Amount of Grant

When the relative's support liability exceeds the amount of the recipient's cash grant, the recipient and his adult children shall be contacted by the county and informed of the Medically Needy Only program which does not impose a relatives' responsibility obligation. They should be advised that a transfer from a cash grant status to the Medically Needy Only program can be arranged by the county at the request of the recipient. The effect of such a change in program status shall be fully explained to the recipient at the time such request is made.

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Effective 12/16/71

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-111 PROCEDURE FOR DETERMINING NONLIABILITY OR LIABILITY OF
 AN ADULT (Continued)

43-111

OAS

.42 Adult Child Fails to Meet His Liability as Fixed by the County

The county granting aid shall request the district attorney or other civil legal officer to proceed against such adult child as provided in W&I Code Section 12100, Section 1650 et seq. of the Code of Civil Procedure, and Sections 206 and 248 of the Civil Code. (Note provisions for recovery of attorney fees and court costs.)

.421 The county shall proceed through its appropriate legal officer to reduce the amount owed to a judgment, unless the amount owed is less than \$50.

a. An abstract of such a judgment shall then be recorded pursuant to Section 674, Code of Civil Procedure, in any county in which either the responsible relative or recipient owns real property.

b. In addition, the county shall take all appropriate action pursuant to Section 681 et seq., Code of Civil Procedure, to execute such a judgment.

.422 Nothing above shall be taken to preclude the county from arriving at a reasonable settlement of its claim for contributions with the responsible relative, provided that if the state's interest in the unliquidated amount of the claim exceeds \$500, such a settlement must be approved by the Director, SDSW.

Effective 12/16/71

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FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 21 1971

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

DEC 21 1971

Office of Administrative Procedure

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 21, 1971

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 21 1971

At 4:10 o'clock P.M.

EDMUND G. BROWN, Jr., Secretary of State

By: *David M. Gutman*
Deputy Secretary of State

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DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-113.23
44-113.24
30-153.2
30-153.3
31-204.4

Repeal:

Section 44-113.25

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature on August 11, 1971, and signed by the Governor on August 13, 1971. Section 43 of this legislation provides that the act shall become generally operative on October 1, 1971.
2. Implementation of this legislation must be accomplished through regulations adopted by the State Department of Social Welfare.

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

3. Section 44-113.23 et seq. was adopted September 29, 1971 on an emergency basis to implement Section 28.1 of the Welfare Reform Act of 1971.
4. On October 8, 1971, the Superior Court of Sacramento County issued an injunction in the case of Conover et al. v. Hall et al., Civil No. 215815, which pertained to the implementation of Section 28.1 of the Welfare Reform Act of 1971.
5. On December 8, 1971, the California Supreme Court declined to assume jurisdiction of the above case.
6. As a consequence of that determination, and in compliance with court order, the Director of Social Welfare instructed the counties that enforcement of Section 44-113.23 et seq. adopted on an emergency basis September 29, 1971 should cease.
7. The regulatory changes set forth above are adopted as emergency measures to become effective immediately and will be applied by the counties as though they were in effect prior to December 21, 1971 to permit compliance with the preliminary injunction issued by the Superior Court of Sacramento County in the case of Conover et al. v. Hall et al., Civil No. 215815.
8. This revision of Section 44-113.23 et seq. is necessary for adoption on an emergency basis in order both to comply with the above-mentioned preliminary injunction, and to permit counties to allow the deduction of work-related expenses as provided by federal law and regulations.

The revision described above must therefore be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
ATD
OAS
AFDC.2 Earnings (Continued)

.23 Work-Related Expenses - The following shall be considered as work-related expenses and shall be allowed, subject to stated limitations, when not reimbursed by the employer.

.231 Personal Expenses

(a) Minimum amounts involuntarily withheld for income tax, social security and compulsory retirement, unemployment and disability insurance contributions.

(1) State and federal participation is not available in any case in which the county fails to assure, in accordance with Section 44-103.1, that the applicant or recipient employee claims or is taking all action necessary to claim the maximum number of dependents.

(2) Aid, in accordance with Section 44-103.2, shall be denied to or discontinued for the applicant or recipient who fails to claim or take action to claim the maximum number of dependents.

(3) A refund of income taxes or retirement contributions is net nonexempt income in the month after it is received.

Such income does not qualify for the earned income exemption.

Effective 12/21/71

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
ATD
OAS
AFDC

(b) Child Care - The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient.

(c) Additional Food, Clothing and Personal Incidentals - The actual cost of food, clothing and personal incidentals which are required solely for employment shall be allowed to the extent such costs are determined by the county to be reasonable and necessary.

The applicant or recipient must bear the full burden of justifying the existence of and need for all costs claimed under this subsection.

(d) Expenses for transportation to and from work shall be allowed at a rate of 12 cents per mile regardless of the method of transportation used.

.232 Nonpersonal Expenses

(a) Costs for transportation to call on customers. See Section 44-113.231(d), above for limitations.

Effective 12/21/71

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**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
ATD
OAS
AFDC

(b) The reasonable and necessary cost of tools, materials and licenses which are required for employment.

(c) The reasonable and necessary cost of dues to a union or employee association when membership in the union or association is a requirement for employment.

.233 Business Expenses - The reasonable and necessary cost of expenses which are incurred in the production of income by a self-employed person shall be allowed. The recipient must bear the full burden of proof for justifying the existence of and need for any expense allowed under this classification. (See Section 44-113.1 for limitation on principal and interest payments.)

AFDC

.24 Other Deductions from Net Income

In addition to the deductions described above, deductions for other expenses of persons with income from any source, shall be made as follows:

.241 Court-Ordered Support Payment by Natural Parent

Deduction for actual payments made in support of a child or spouse not in the home, paid pursuant to a court order, shall be made not to exceed three months if the parent requests review of the order. If, upon review, the court orders continued support payments, the amount of the actual payment pursuant to the court order shall be deducted until the order is changed. In no instance, shall the deduction allowed exceed the amount of the payment required by the court order.

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Effective 12/21/71

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AFDC

.242 Child's Income

Only the amounts exempted under Section 44-111.23 may be deducted from a child's income.

30-153 COSTS OF SUPPORTIVE SERVICES RELATED TO OBTAINING AND
RETAINING EMPLOYMENT OR REHABILITATION LEADING TO
EMPLOYMENT (Continued)

30-153

.2 For persons referred to and participating in WIN, the county shall meet the costs of the supportive services listed in Section 30-152 and the following training expenses, subject to stated limitations:

.21 Expenses for transportation to and from training shall be allowed at a rate of 12 cents per mile regardless of the method of transportation used;

.22 Child Care - The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-153 COSTS OF SUPPORTIVE SERVICES RELATED TO OBTAINING AND
RETAINING EMPLOYMENT OR REHABILITATION LEADING TO
EMPLOYMENT (Continued)

30-153

AFDC

- .23 Additional Food, Clothing and Personal Incidentals - The actual cost of food, clothing and personal incidentals which are required solely for training shall be allowed to the extent such costs are determined by the county to be reasonable and necessary.
- The applicant or recipient must bear the full burden of justifying the existence of and need for all costs claimed under this subsection.
- .24 Cost of medical treatment or appliances, to the extent that such costs are essential to realization of the purposes of the plan and are not met from other resources;
- .25 Cost of relocation to obtain training which has a reasonable presumption of leading directly to self-support; and
- .26 Cost of essential items, other than those mentioned above, which are not provided by other agencies as part of the training of the individual.

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Effective 12/21/71

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

30-153 COSTS OF SUPPORTIVE SERVICES RELATED TO OBTAINING AND 30-153
RETAINING EMPLOYMENT OR REHABILITATION LEADING TO
EMPLOYMENT (Continued)

AFDC

.3 The service-connected expenses listed in Section 30-153.2 above shall
be met from administrative funds only.

31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM 31-204
(Continued)

AB
ATD
OAS
AFDC

.4 Meet the allowable cost of expenses incurred by a participant in
meeting the requirements of the program, if not provided by other
agencies. Allowance for such expenses shall be the same as that
outlined in Section 30-153.2 plus the reasonable and necessary costs
of tuition, books, tools, and other supplies required by the program.
The expenses shall be met from administrative funds only.

DO NOT WRITE IN THIS SPACE

Effective 12/21/71

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

DEC 23 1971

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.1)

DEC 28 1971

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: December 28, 1971

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

DEC 28 1971

At 4:30 o'clock P. M.

EDMUND E. BROWN Jr., Secretary of State

By:

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 41-440.54

Repeal:

Section 41-440.13

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On March 17, 1971, the Department of Social Welfare conducted a public hearing on proposed revisions to then existing regulations in Section 42-340, Unemployment of a Parent, which would conform the state definition of "unemployment" to the federal standard.
2. Included in the proposed changes was a provision that the unemployed parent shall not have received unemployment insurance benefits during a week for which a grant under AFDC is paid, which provision is consistent with the requirement for federal participation.
3. On June 1, 1971, the Director of Social Welfare adopted revised regulations, to become effective July 1, 1971, concerning the definition of an unemployed parent and including Section 42-340.1, requiring that after December 31, 1971, the unemployed parent receiving a grant under AFDC shall not be concurrently receiving or eligible to receive unemployment insurance benefits.
4. On September 24, 1971, the Director of Social Welfare adopted emergency regulations, effective October 1, 1971, implementing certain portions of the Welfare Reform Act of 1971 and other administrative reforms.
5. Included in the September 24, 1971, adoption were revisions which recodified and rearranged parts of Section 42-340, Unemployment of a Parent.
6. Existing Section 41-440.13 now contains language formerly included in Section 42-340.1, providing that after December 31, 1971, an unemployed parent receiving a grant under AFDC shall not be concurrently receiving or eligible to receive unemployment insurance benefits.
7. Because of recent legislative changes at the federal and state levels affecting unemployment insurance benefits, the Director of Social Welfare considers it undesirable to implement Section 41-440.13.
8. It is also necessary to amend Section 41-440.54 to remove reference to the effective date of Section 41-440.13.
9. The repeal of Section 41-440.13 and the revision of Section 41-440.54 are necessary on an emergency basis in order to ensure the efficient administration of public social services by the county welfare departments.

The revision described above must, therefore, be adopted as an emergency measure to become effective immediately upon filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS (Continued)

41-440

AFDC

.54 The father shall not have received unemployment insurance
benefits during a week for which AFDC was paid.

DO NOT WRITE IN THIS SPACE

Effective 12/28/71

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following section is to be repealed effective December 28, 1971:

Section 41-440.13

DO NOT WRITE IN THIS SPACE

Effective 12/28/71

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

CORRECTORY AMENDMENT

(Through clerical error, the language in the following section was incorrectly recorded in the filing of the revised Section 44-113.231, effective December 21, 1971.)

44-113 NET INCOME (Continued)

44-113

AB
ATD
OAS
AFDC.231 Personal Expenses (Continued)

a. (Continued)

- (3) A refund of income taxes or retirement contributions is net nonexempt income in the month it is received. Such income does not **qualify** for the earned income exemption.

DO NOT WRITE IN THIS SPACE

Effective 12/21/71

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

December 30, 1971

RECEIVED FOR FILING

DEC 31 1971

Office of Administrative Procedure

FILED
In the office of the Secretary of State
of the State of California

DEC 31 1971

At 11:00 o'clock A. M.

EDMUND G. BROWN Jr., Secretary of State

By *Marie C. Dierman*
Deputy Secretary of State

CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on September 3, 1971, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Sections 22-001 through 22-067

Effective 9/3/71

State Department of Social Welfare

ROBERT B. CARLESON, Director

By

John A. Svahn
JOHN A. SVAHN

Deputy Director, Administration

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

January 28, 1972

RECEIVED FOR FILING

JAN 28 1972

Office of Administrative Procedure CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on October 1, 1971, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Section 44-315.512 Effective 10/1/71

State Department of Social Welfare

By

ROBERT B. CARLESON, Director

FILEDIn the office of the Secretary of State
of the State of California

JAN 28 1972

At 5:30'clock P.M.
EDMUND G. BROWN, Jr., Secretary of State
By J. Harris
Deputy Secretary of State

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JAN 28 1972

Office of Administrative Procedure

ENDORSEDAPPROVED FOR FILING
(GOV. CODE 11380.1)

JAN 28 1972

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: January 28, 1972

By: 

Director

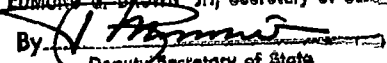
(Title)

FILEDIn the office of the Secretary of State
of the State of California

JAN 28 1972

At 5:20 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By: 
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health; safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 43-113.6
44-133.5

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
OR FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature.
2. Implementation of this legislation must be accomplished through regulations adopted by the State Department of Social Welfare.
3. Sections 43-113.6 and 44-133.5 were adopted September 24, 1971, on an emergency basis to implement Section 8.6 of the Welfare Reform Act of 1971.
4. On October 19, 1971, the Superior Court of Sacramento County issued a preliminary injunction in the case of Camp et al. v. Carleson et al., Civil No. 216154, which pertained to the implementation of Section 8.6 of the Welfare Reform Act of 1971.
5. The issuance of the preliminary injunction in the above case does not expressly restrain the enactment of Sections 43-113.6 and 44-133.5.
6. On January 25, 1972, the Superior Court of Sacramento County took under submission proposals from the parties for modification of the Court's order of October 19, 1971, in the case of Camp et al. v. Carleson et al., Civil No. 216154.
7. While modification of the October 19, 1971, order in the above case is under consideration by the court, the Director does not deem it desirable to enact permanent regulations on the same subject.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

8. Adoption of Sections 43-113.6 and 44-133.5 on an emergency basis is necessary in order to preserve the issues involved in Camp et al. v. Carleson et al. for ultimate determination by the Court.

The revision filed above, must, therefore, be adopted as an emergency measure to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC .6 Stepfather

A stepfather is responsible for the support of:

- .61 His children from another union living outside the home; and
- .62 His children, natural and adopted, living in the home; and
- .63 His wife.

A stepfather is not legally responsible for the support of his wife's children by another man, unless he has adopted them. However, his wife's interest in the community property, including the earnings of her husband (see Section 44-101.5 for definition of earnings) shall be considered available for the support of his stepchild(ren). See Section 44-133.5.

If the stepfather and his legal dependents living in the home are needy but are ineligible or refuse to apply for public assistance or General Relief, a determination of possible misuse of AFDC funds shall be made, as specified in Section 20-101.

DO NOT WRITE IN THIS SPACE

Effective 1/28/72

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME — AFDC (Continued)

44-133

AFDC .5 Stepfather's Income

.51 When the stepfather is included in the family budget unit (see Sections 44-213.3 and 44-213.4), his net nonexempt income is net income to the family budget unit for purposes of both eligibility determination and grant computation.

.52 When the stepfather is excluded from the family budget unit but his wife requests that her needs, or the needs of any of his children, including their children in common, be taken into consideration in determining the eligibility of, or in computing the amount of aid payment for her eligible children, the county must determine his ability to support these persons and himself on the basis of the AFDC Minimum Basic Standard of Adequate Care (Section 44-212.1). Allow the deduction from earnings from work expenses in accordance with Section 44-113.23 but do not allow earned income exemption.

.521 If his income meets their combined need, exclude his wife and his children from the AFDC family budget unit for purposes of both eligibility determination and grant computation. His wife's income, including her community interest in his income, is considered net income to the family budget unit. Her community interest in his income is computed as follows:

a. Earnings: The remainder, up to one-half of his total earnings, after deducting the following:

- The stepfather's prior support liability. (For purposes of this section, the prior support liability of the stepfather shall be limited to the actual amounts contributed by him whether voluntarily or under court order, to the support of his children by a woman other than his current wife); and

- \$300

plus

b. Other Income: One-half of all community income, such as interest and dividends, when not included in the determination set forth in Item a., above.

.522 If his income does not meet their combined need, include in the family budget unit his wife and his children for whom she requests aid for purposes of eligibility determination and include only his wife for purposes of grant determination. Net income to the family budget unit from the stepfather shall be computed as follows:

a. The wife's community interest in the stepfather's income as computed in .521 above; plus

b. The remainder after subtracting the following amounts from his gross income

- the amount computed in a. above
- work-related expenses in accordance with Sections 44-113.23
- his needs, and those of the members of the stepfather unit who are excluded from the family budget unit, computed on the basis of the standard or assistance (see Section 44-315.51(a)). For purposes of this section the stepfather unit is the stepfather plus his children, including children he has in common with his wife who are not included in the FBU.

DO NOT WRITE IN THIS SPACE

Effective 1/28/72

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

January 28, 1972

RECEIVED FOR FILING

JAN 23 1972

CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

Office of Administrative Procedure

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on 9/24/71, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Revised Sections: 40-101 Effective 10/1/71
40-107
40-115
40-126
40-127
40-129
40-157
44-103.241
48-001

New Chapters: 41-200
42-300

Renumbered and
Revised
Divisions: 41
42
43

State Department of Social Welfare

By ROBERT B. CARLESON, Director

FILED

In the office of the Secretary of State
of the State of California

JAN 28 1972

At 5:30 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By

Deputy Secretary of State

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

January 28, 1972

RECEIVED FOR FILING

JAN 23 1972

Office of Administrative Procedure CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on September 24, 1971, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Section 42-405.2	Effective 10/1/71
42-406	Effective 10/1/71
42-407.2	Effective 10/1/71

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

FILEDIn the office of the Secretary of State
of the State of California

JAN 28 1972

At 5:20 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By 

Deputy Secretary of State

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

January 28, 1972

RECEIVED FOR FILING

JAN 28 1972

Office of Administrative Procedure CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on September 24, 1971, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Section 43-109

Effective 10/1/71

43-109.31

"

"

44-131.142 c (1) & (2)

"

"

State Department of Social Welfare

By

ROBERT B. CARLESON, Director

FILED

In the office of the Secretary of State
of the State of California

JAN 28 1972

At 2:20 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By

Deputy Secretary of State

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

January 28, 1972

RECEIVED FOR FILING

JAN 28 1972

Office of Administrative Procedure CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code


The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on 9/24/71, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Revised Sections: 44-209 Effective 10/1/71
44-101.3
44-101.4
44-101.7
44-111.41
44-111.43
44-111.44

New Sections: 44-102
44-101.9
44-113.6

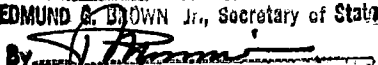
Repealed Section: 44-135

State Department of Social Welfare

By 
ROBERT B. CARLESON, Director

FILEDIn the office of the Secretary of State
of the State of California

JAN 28 1972

At 5:20 o'clock P.M.
EDMUND G. BROWN Jr., Secretary of State
By 
Deputy Secretary of State

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

January 28, 1972

RECEIVED FOR FILING

JAN 28 1972

Office of Administrative Procedure

CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on November 30, 1971, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Section 44-207.1	Effective 12/1/71
44-208.1	Effective 12/1/71
44-311.111	Effective 12/1/71
44-311.113	Effective 12/1/71

State Department of Social Welfare

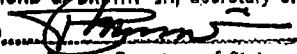
By 
ROBERT B. CARLESON, Director

FILEDIn the office of the Secretary of State
of the State of California

JAN 28 1972

At 5:20 o'clock P.M.

EDMUND G. BROWN, Jr., Secretary of State

By 
Deputy Secretary of State

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JAN 23 1972

Office of Administrative Procedure

ENDORSEDAPPROVED FOR FILING
(GOV. CODE 11000.2)

JAN 28 1972

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: January 28, 1972

By: 

Director

(Title)

FILEDIn the office of the Secretary of State
of the State of California

5:28 P.M.

JAN 28 1972

EDMUND G. BROWN, Jr., Secretary of State

By: 
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-111.21
44-111.22
44-111.23
44-113.2
44-113.21
44-113.22
31-204
31-204.1
31-204.2
31-204.3
31-204.5
31-204.6

Repeal:

Section 44-114

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
OR FILING ADMINISTRATIVE REGULATION IS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) added Section 11451.6 to the Welfare and Institutions Code relating to work-related expenses.
2. On September 29, 1971, emergency regulations implementing Section 11451.6 were adopted.
3. On December 21, 1971, emergency regulations were adopted revising portions of the September 29, 1971, regulations in response to action of the Superior Court of Sacramento County.
4. It is necessary to continue in force by the adoption of these emergency measures those portions of the September 29, 1971, regulations which were not revised on December 21, 1971, to permit counties to continue implementation of the laws relating to work-related expenses.

The revision described above must, therefore, be adopted as an emergency measure to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS
INCOME (Continued)

44-111

.2 Exemption of Earned Income — General

ATD
OAS

- .21 In addition to the exemption specified in Section 44-111.11 above, the first \$20, plus one-half of the next \$60 a month, of gross earned income is exempt from consideration in determining the amount of the OAS or ATD payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AB

- .22 In addition to the exemption specified in Section 44-111.11 above, the first \$85 a month, plus one-half of any gross earned income in excess of \$85 a month, is exempt from consideration in determining the amount of the AB payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AFDC

- .23 The first \$30 of the combined gross earned income plus one-third of the remainder of such income of adults and children 14 and over who do not qualify for the student exemption (Section 44-111.24) is exempt.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine nonexempt net earned income.

- .231 The family exemption of earned income is computed by combining the gross earnings of persons subject to the exemption, subtracting \$30 and computing 1/3 of the remainder.

DO NOT WRITE IN THIS SPACE

Effective 1/28/72

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
APSB
ATD
OAS
AFDC
MN

.2 Earnings

The appropriate method of determining nonexempt net earned income shall be selected from those set forth below.

.21 Earnings of Recipient**.211 Received Monthly or on Basis other than Recurring Lump Sum**

AB
ATD
OAS
AFDC

a. As an Employee (Wages, Salary or Commissions)

- (1) Determine gross income from earnings; i.e., total income irrespective of expenses, voluntary or involuntary deductions.
- (2) Deduct the exempt income (see Section 44-111) from gross income.
- (3) Deduct all personal and nonpersonal work expenses (Sections 44-113.231 and .232) from the amount determined in Item 2.
- (4) Any remainder is considered nonexempt net income.

b. From Self-Employment (Business Enterprise, Farming, etc.) or in Combination with Earnings as an Employee

- (1) Determine total gross income from self-employment and any gross income as an employee.
- (2) Deduct business work expenses (see Section 44-113.233) from gross income. (See Section 44-113.1.)
- (3) Deduct the exempt income (see Section 44-111) from the amount determined in Item 2.
- (4) Deduct personal and nonpersonal work expenses (Section 44-113.231 and .232) from the amount determined in Item 3.
- (5) Any remainder is considered nonexempt net income.

.212 Received in Recurring Lump-Sum Payments (as an Employee or from Self-Employment)

- a. Determine gross income for the month (see Section 44-102).
- b. Determine the average business and/or personal and nonpersonal work expenses (see Sections 44-113.231, .232 & .233) for the month using the same method used to allocate income in a.
- c. Compute the nonexempt net income for each month as provided in Section .211a or b above, whichever is appropriate.

DO NOT WRITE IN THIS SPACE

Effective 1/28/72

**CONTINUATION SHEET
OR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**
(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

APSB

.213 Received on a Monthly Basis or as Recurring Lump-Sum Payment (as an Employee or from Self-employment)

- a. Determine gross income from earnings or business.
- b. Deduct all business and/or personal and nonpersonal work expenses (see Section 44-113.231, .232 and .233) from the amount determined in Item a.
- c. Deduct from net income the exempt income (see Section 44-111.12).
- d. Any remainder is considered nonexempt income.

AB
APSB
ATD
OAS
AFDC

.214 If a need item is met in kind as a result of service performed, the monetary value is determined according to Section 44-115. Net income is then calculated as provided in Section .211, .212, or .213 above, whichever is appropriate.

AB
APSB
ATD
OAS

.22 Earnings of Ineligible Spouse

Net income received by an ineligible spouse from his own earnings is computed as follows:

.221 Determine gross income from such earnings.

.222 Deduct from such gross income a flat 25 percent for income taxes, disability insurance, social security taxes, expenses in securing and retaining employment, transportation, meals, etc.

or

Deduct the actual expenses, in lieu of the flat 25 percent, if the spouse presents evidence that necessary deductions and expenses exceed the 25 percent.

.223 Any remainder is considered net income of the spouse.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

AFDC
ATD
AB
OAS

31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM

31-204

Where a county elects to provide educational and training services for recipients identified in the groups listed in 31-202, it shall be the responsibility of the Social Services system to:

- .1 Identify those recipients with an immediate potential for employment or rehabilitation leading to employment who could benefit from an education or training service. (See Section 30-152.12)
- .2 Make a specific plan for meeting the educational and training need through purchase of the service or through other means such as a formal agreement with an administering institution. (See Section 30-152.2)
- .3 Inform the recipient other than the AFDC-U parent, or the AFDC youth, age 16 through 20, that his participation in the educational and training program is voluntary. (See Section 30-162.3)

**31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM
(Continued)**

31-204

AFDC
ATD
OAS
AB

- .5 Assign a social worker to give support to the recipient and the family of the recipient in each instance in which a recipient is accepted by and assigned to an educational and training project. The case shall remain in active service status unless the assessment of the social services system is that social services are not required.
 - .51 The decision that social services are not required shall be substantiated in the case record.
 - .52 Where social services are not required, the case may become inactive for a period of up to three months. Under such circumstances, a reassessment of the need for social services shall be made by the social services system at least quarterly.
- .6 Pay allowable service-connected expenses on the basis of a monthly claim submitted by the recipient to the county welfare department. The county shall assure the provision of sufficient funds for allowable service-connected expenses.

DO NOT WRITE IN THIS SPACE

Effective 1/28/72

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulation is to be repealed effective 1/28/72:

Section 44-114 DETERMINATION OF WORK RELATED TRANSPORTATION
EXPENSES

DO NOT WRITE IN THIS SPACE

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

JAN 28 1972

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.2)

JAN 28 1972

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: January 28, 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

JAN 28 1972

At 5:30 o'clock P.M.

EDMUND G. BROWN, Jr., Secretary of State

By: 
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-115.6
44-203.2
44-212
44-213.3
44-213.4
44-217
44-221
44-265
44-267
44-269
44-313
44-315.51

Repeal:

Section 44-266
44-268
44-270
44-272
44-274
44-276
44-278
44-279
44-280
44-281

New:

Section 44-115.8
44-115.9

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

DO NOT WRITE IN THIS SPACE

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) included revisions to Welfare and Institutions Code Section 11450 relating to the computation and payment of AFDC grants.
2. On September 30, 1971, the California Supreme Court stayed the operation of Section 28 of the Welfare Reform Act of 1971 as it affected Subsection (a) of Section 11450 of the Welfare and Institutions Code.
3. On October 5, 1971, emergency regulations were filed to implement the provisions of the Welfare Reform Act of 1971 relating to the computation and payment of AFDC grants consistent with the September 30, 1971, order of the California Supreme Court.
4. On January 10, 1972, the California Supreme Court issued a Preemptory Writ of Mandate directing that the computation and payment of AFDC grants be consistent with the Court's decision in the case of Virginia Villa v. Hall and mandating the director to promulgate regulations consistent with the Court's decision in this case.
5. On January 17, 1972, all county welfare directors were advised of the Court's Writ and given directions on its implementation.
6. The regulatory changes set forth above are adopted as emergency measures to permit implementation of a system for the computation and payment of AFDC grants consistent with the decision of the California Supreme Court in Virginia Villa v. Hall.

The revision described above must, therefore, be adopted as an emergency measure to become effective upon filing with the Secretary of State.

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC | .6 Nonneedy Relatives

Natural or adoptive parents, stepfathers, or adults whose needs are met through any categorical aid program shall not be considered to be nonneedy relatives for purposes of this section.

.61 Treatment of Contributions

.611 The excess of the in-kind income value for housing and utilities (see .9 below) included in the minimum basic standard of adequate care figure (Section 44-315.51 (a)) for the appropriate size Family Budget Unit over the increased cost of housing and utilities to the nonneedy relative caused by the presence of the AFDC child(ren) in his household shall be considered a contribution in-kind to the Family Budget Unit.

.612 If the nonneedy relative wishes to contribute to the support of the child(ren) in his care in excess of the amount computed in .61 above, he may do so by either identifying the need items to be contributed using .8 below or by specifying an exact dollar amount to be contributed. Any amounts so specified are considered net income to the AFDC child(ren).

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

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AFDC

.8 One or More Recipients of AFDC Resides in the Same Household with One or More Recipients of Adult Aids

.81 When the above situation exists, if the recipient's (Adult Aid or FBU) housing and utilities allowance exceeds his share of the actual cost of housing and utilities (including telephone), the excess shall be considered in-kind income and taken into consideration in computing the grant.

.82 Each recipient's share shall be calculated by dividing the total actual cost of housing and utilities (including telephone), by the number of persons (adults and minors, needy and nonneedy) residing in the household.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-115 EVALUATION OF INCOME IN KIND (Continued)

44-115

AFDC

.9 For purposes of this section, the following shall be considered as the in-kind income value of certain items of need for an FBU:

.91 Housing

- a. one-person FBU — \$55/per month
- b. two-person FBU — \$74/per month
- c. three-person FBU — \$81/per month
- d. four-person or larger FBU — \$86/per month

.92 Utilities (including telephone):

- a. one-person FBU — \$12/per month
- b. two-person FBU — \$13/per month
- c. three-person FBU — \$14/per month
- d. four-person or larger FBU — \$15/per month

.93 Food

- a. one-person FBU — \$29/per month
- b. two-person FBU — \$65/per month
- c. three-person FBU — \$83/per month
- d. four-person FBU — \$103/per month
- e. five-person FBU — \$124/per month
- f. six-person FBU — \$145/per month
- g. seven-person FBU — \$161/per month
- h. eight-person FBU — \$177/per month
- i. nine-person FBU — \$193/per month
- j. ten-person or larger FBU — \$209/per month

.94 Clothing — \$9 for each person per month

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Effective 1/28/72

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-203 DEFINITIONS - NEED (Continued)

44-203

AB
 ATD
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 AFDC

.2 Minimum Needs - Definition

Minimum needs are needs common to all recipients living in like circumstances as set forth in Sections 44-207 through 44-212. Minimum needs and the amounts required to meet such needs differ according to living arrangements.

44-212 MINIMUM BASIC STANDARDS OF ADEQUATE CARE

44-212

AFDC

.1 Definition - The minimum basic standard of adequate care is set forth in W&I Code, Section 11452, as the amount which is necessary to provide a Family Budget Unit with the following:

- .11 housing
- .12 clothing
- .13 food
- .14 utilities
- .15 items for household operation, education and incidentals, recreation, personal needs, and insurance
- .16 essential medical, dental, or other remedial care not otherwise provided at public expense
- .17 recurring special needs not common to a majority of recipients

.2 The minimum basic standard of adequate care set forth in W&I Code, Section 11452, and previously distributed to the counties for each size Family Budget Unit (see Sections 44-213.3 and .4 for composition of the Family Budget Unit) is as follows:

Size of FBU
(per 44-213.3 and .4)

Minimum Basic Standard of
Adequate Care

1	\$125
2	210
3	255
4	314
5	362
6	408
7	449
8	496
9	543
10	590

plus \$5 for each additional needy person

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Effective 1/28/72

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-213 THE FAMILY BUDGET UNIT (Continued)

44-213

AFDC .3 Needy Persons Living In The Home Who Shall Be Included As "Recipients" In The Same Family Budget Unit, Unless EXCLUDED By Section 44-213.5

.31 Children — all related eligible unmarried children, including the unborn child, for whom aid is requested by the child's parent or relative caretaker.

.32 Parent — the eligible child's natural or adoptive parent who requests aid on behalf of the child,
and

.33 Parent's Spouse — the spouse of the eligible child's natural or adoptive parent when the basis for deprivation is the incapacity of a natural or adoptive parent, or the unemployment of the natural or adoptive father (who meets federal conditions in Section 41-440.5), living in the home, or if there is no parent living in the home.

.34 Relative — the needy adult relative, as defined above, other than a parent, who provides care and supervision of the eligible child.

.4 Other Needy Related Persons Living in the Home Who May Be Included As "Nonrecipients" In The Same Family Budget Unit With Eligible Children, Unless EXCLUDED By Section 44-213.5 for Purposes of Determining Financial Eligibility under Chapter 42-300

.41 Upon the written request of the parent, or the caretaker if neither parent is living in the home, the following persons living in the home, if needy, shall be members of the Family Budget Unit and shall have their needs and income taken into consideration in determining the financial eligibility of the family.

.411 Unmarried brothers and sisters of the eligible child, including half- or stepbrothers and stepsisters.

.412 The eligible child's stepparent, when the child is deprived by the absence or death of a natural or adoptive parent.

.413 The eligible child's other unmarried parent.

.414 An adult relative, as defined in Section 44-213.21, other than the parent's spouse, whose presence is required to provide care and supervision that cannot be given the eligible child by the only parent living in the home due to the parent's incapacity.

.42 Persons included in the Family Budget Unit under provisions of Section 44-213.41 for purposes of determination of financial eligibility shall not be included in the Family Budget Unit for purposes of grant computation.

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Effective 1/28/72

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**
(Pursuant to Government Code Section 11380.1)

44-217 SUBSTANDARD HOUSING

44-217

AFDC 1 Assessment of Adequacy of Housing

It is essential that every reasonable continuing effort be made to assist such families secure and maintain housing meeting minimum standards of safety and decency. The county shall, as an integral part of its intake and continuing services, assess the adequacy of housing occupied by the family. The assessment shall be made in accordance with a guide developed by or with the local authority responsible for enforcing the standards of the Division of Building and Housing Standards, Department of Housing and Community Development.

2 Help to Families in Substandard Housing

When the assessment of housing by the county welfare department indicates the need for improvement of the family's housing standard, consultation shall be provided to the family and a plan worked out with them for improving the housing. Where necessary, the county welfare department shall assist the family in making arrangements with the landlord to improve housing or in locating better housing elsewhere.

3 Referral to Local Housing Enforcement Agencies

When the county welfare department's assessment of housing indicates probable substandard housing and no workable plan for improvement can be arranged within 30 days, referral to the local housing enforcement agency shall be made and a report requested as to whether or not housing meets the standards.

4 Continuing County Responsibility

If housing is determined to be substandard by the enforcement agency, the county welfare department has a continuing responsibility for helping the family secure standard housing.

44-221 MINIMUM NEED - CHILD IN FOSTER CARE

44-221

AFDC When a child is living in foster care, his or her minimum need is the boarding home or private institution rate of the county in which the home or institution is located, as established by the county in accordance with Section 10-225.

For other requirements relating to payments and services for children in foster care, see Sections 44-267 (Special Needs), 44-315.52 and 44-323 (Aid Payments), and 30-300 (Services).

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Effective 1/28/72

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**
(Pursuant to Government Code Section 11380.1)

44-265 SPECIAL NEEDS FOR AFDC

44-265

AFDC

.1 General.11 There are two categories of special needs:

.111 Recurring - the need is the result of an unusual circumstance in the recipient family which results in added cost to the family and which is expected to occur during two or more months in a single year. Recurring special needs are included in the amounts listed in Section 44-315.51 (a).

.112 Nonrecurring - the need is the result of a catastrophe which is not expected to be repeated in a subsequent month.

.12 Special needs shall be subject to the limitations and conditions specified in this Section; and for recurring special needs, the additional limitation in Section 44-315.51 (e).

.13 The cost of any special need shall be met by first requiring the recipient to utilize his liquid assets (as defined in Section 44-333.16). However, when the allowance for a special need cannot be met in full by the recipient's liquid assets, it shall be allowed as a part of the grant in accordance with the procedures outlined in Section 44-315.51 when federal participation is available. There will be no state participation in the cost of any special need granted to an AFDC recipient.

.14 The county may allow a nonrecurring special need in a single month or prorate it over not more than three consecutive months. A nonrecurring special need prorated in this manner shall not be considered recurring.

.2 Recurring Special Needs.21 Therapeutic Diet

.211 Special need for a therapeutic diet shall be authorized when a doctor or other practitioner recommends one or a combination of the diets listed below, except that final determination of the need for a therapeutic diet may be based on consultation with the county medical consultant. The allowance may continue for no more than one year unless continuation of need is resubstantiated as provided above.

The amount allowed for a combination diet shall not exceed that specified for the highest cost diet included in the recommended diet plan.

.212 The special need allowance for a therapeutic diet shall be limited to the following types and maximums:

\$15 maximum for one of the following diets:

Diabetic, 2200 calories or more

High caloric - high protein (including special formula for infant)

Lactation (while breast feeding)

\$9 maximum for one of the following diets:

Diabetic, under 2200 calories

Bland

Low fat - cholesterol

Low salt (sodium, under 3 grams)

Pregnancy (from 4th month)

Effective 1/28/72

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC.2 Recurring Special Needs.21 Therapeutic Diet

- .211 Special need for a therapeutic diet shall be authorized when a doctor or other practitioner recommends one or a combination of the diets listed below, except that final determination of the need for a therapeutic diet may be based on consultation with the county medical consultant. The allowance may continue for no more than one year unless continuation of need is resubstantiated as provided above.

The amount allowed for a combination diet shall not exceed that specified for the highest cost diet included in the recommended diet plan.

- .212 The special need allowance for a therapeutic diet shall be limited to the following types and maximums:

\$15 maximum for one of the following diets:

Diabetic, 2200 calories or more

High caloric — high protein (including special formula for infant)

Lactation (while breast feeding)

\$9 maximum for one of the following diets:

Diabetic, under 2200 calories

Bland

Low fat - cholesterol

Low salt (sodium, under 3 grams)

Pregnancy (from 4th month)

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Effective 1/28/72

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC

.22 Other Recurring Special Needs

To enable the recipient to meet unusual costs caused by a verified medical problem of the recipient, the following special needs may be allowed based upon recommendation by a doctor or other practitioner that they are necessary, subject to approval by the county. The recommendation should include the period over which the need for the allowance will be necessary. No allowance may continue for more than one year unless it is resubstantiated as provided above. The allowance shall be subject to the following conditions and limitations:

.221 Costs for transportation to obtain medical treatment when such treatment is not available in the recipient's home community, as defined by the county, as follows:

- a. When common carrier (including a taxi) is available regardless of the transportation used, the amount allowed as a special need shall not exceed \$18 per month.
- b. When common carrier (including a taxi) is not available or cannot be used because of an infirmity and a private automobile must be used, the amount allowed as a special need shall be \$15 per month for fixed charges plus a standard allowance according to the number of miles traveled during the period as follows:

<u>Miles Traveled per Month</u>	<u>Standard Allowance</u>
Less than 175	\$ 6.00
175 - 224	8.00
225 - 274	10.00
275 - 324	12.00
325 - 374	14.00
375 or more	15.00

.222 The actual cost of special laundry service up to \$3.00 per month.

.223 The prevailing rate of employing someone to do the cooking, washing, ironing, household cleaning and similar chores when the family caretaker is too disabled to perform any one or more of these functions, and when such duties cannot be performed without charge by persons in the household. No allowance shall be made for this purpose if the Services System is providing homemaker services to the family. (See Section 10-053.5.)

.224 The amount of the charge for special telephone service or equipment, such as the cost of an amplifying device when a member of the household is handicapped by a hearing problem.

.225 A standard allowance of \$5.00 per month when the health problem requires excessive use of one or more utilities.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-265 SPECIAL NEEDS FOR AFDC (Continued)

44-265

AFDC.3 Nonrecurring Special Needs

- .31 A special need shall be allowed to replace the items listed in .342 below that are owned by the recipient when they are destroyed by fire, flood, earthquake, storm or other acts of God.
- .32 Replacement of any item under the provisions of Section .1 above shall be allowed only when the item is not available to the family without cost from any source.
- .33 The county shall determine the most feasible and economic method of replacement including the provision of used, serviceable items, and such method shall be binding upon the recipient. If the recipient is to purchase the item(s), proof of purchase may be required by the county.
- .34 The amount of the allowance shall be calculated as follows:
- .341 Determine the actual cost, including sales tax, of the replacement item.
- .342 The amount determined in .341 above or the maximum amount listed below, whichever is less, shall be allowed:
- a. Clothing — \$25 for each person in the Family Budget Unit
 - b. Bedding, dishes, and kitchen utensils — \$12 for each person in the Family Budget Unit
 - c. Cook stove — \$142
 - d. Refrigerator — \$190
 - e. Space heater — \$73
 - f. Double bed, including mattress — \$143
 - g. Other essential furniture — \$50
- .343 The total amount allowed under this section shall not exceed \$300.

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Effective 1/28/72

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-267 SPECIAL NEED FOR CHILD IN FOSTER CARE

44-267

AFDC

.1 For Payment to Foster Family or Institution

The cost of additional clothing, including an initial supply of clothing and school or other uniform when not included in the basic foster care.

.2 For Payment to the Child's Own Caretaker

Items which are prerequisite to return of the child to his own home, such as telephone, essential furniture, household equipment and supplies, shall be allowed when the services plan is for the child to be returned to the home within 30 days and eligibility for AFDC-Family Group will exist. Amounts shall be allowed subject to limitations applicable when the item is allowed to an AFDC-Family Group.

.3 Exclusions

No amount shall be allowed as special need:

- .31 For items other than those specified in Sections 44-267.1 and 44-267.2 above.
- .32 For any special need item available to the child or prospective caretaker without cost.
- .33 For service-connected expenses (see Section 10-305).

44-269 MEDICAL NEEDS - GENERAL

44-269

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The county shall explore actual and potential medical needs of each recipient and assist in arranging for necessary health care from the appropriate sources.

Regardless of his immediate need, every recipient of a cash grant shall be certified for basic and extended health care under the Medi-Cal program. The specific scope of basic and extended health care available to public assistance recipients and procedures applicable in authorizing vendor payments for such care are set forth in Medical Assistance Regulations. A "recipient" as used herein, includes an eligible person for whom, in the month the medical care is received:

- 1. A cash grant payment is made; or
- 2. The cash grant payment is withheld only because of a question concerning the amount of aid to which he is eligible (see Section 44-324.4); and/or
- 3. The authorized grant is reduced to zero to adjust for an overpayment (see Section 44-335.221 a); or
- 4. In AFDC aid is discontinued for a family in which the parent is employed part-time but is no longer financially eligible.

AFDC

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-313 MAXIMUM STATE PARTICIPATION BASE - CHILDREN'S PROGRAM

44-313

AFDC The maximum state participation base for needy children living with an eligible parent, eligible parents or other relative shall be the following amounts.

Number of Eligible Needy Persons in the <u>Same Home</u>	Maximum State <u>Participation Base</u>
1	\$115
2	190
3	235
4	280
5	320
6	360
7	395
8	430
9	465
10 or more	500

Above limitations apply only to minimum needs (Section 44-203.2). See
Section 44-265 for special needs (Section 44-203.3).

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC .5 Determining Amount of Aid and Method of Computing Payment**.51** Child Living with Parent or Relative

Calculate the amount of the grant as follows:

- (a) Based upon the size of the FBU (as determined under Section 44-213.3) determine the minimum basic standard of adequate care from the following schedule.

Size of Family Budget Unit	Minimum Basic Standard Of Adequate Care
1	\$125
2	210
3	255
4	314
5	362
6	408
7	449
8	496
9	543
10 or more	590

plus \$5 for each additional needy person

- (b) Round to the nearer dollar current net nonexempt income (see Chapter 44-100) with amounts ending in 50 cents or more rounded to the next higher dollar.
- (c) Subtract the amount computed in (b) from the amount computed in (a). If the remainder is less than or equal to zero, see Section 42-303.

If the remainder is greater than zero, this amount, or the appropriate amount from the table in Section 44-313, whichever is less, is the maximum aid payment for which state financial participation will be available.

- (d) Round to the nearer dollar the amount of recurring special needs the FBU is eligible to receive. Amounts ending in 50 cents or more should be rounded to the next higher dollar.

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Effective 1/28/72

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

- (e) Add to the amount computed in (c) the amount computed in (d), or the applicable figure from the following table, whichever is less:

Size of Family Budget Unit (per 44-213.3)	Maximum Recurring Special Needs
1	\$10
2	20
3	20
4	34
5	42
6	48
7	54
8	66
9	78
10	90

plus \$5 for each additional needy person

- (f) The amount of the AFDC monthly payment is the amount computed in (e) plus the amount of nonrecurring special needs the FBU is entitled to receive. (The amount of nonrecurring special needs should be rounded to the nearer dollar with amounts of 50 cents or more rounded to the next higher dollar.)

.511 Alternate Methods for Computing Payments

The aid payment is to be computed according to whichever of the following basic methods the county selects. The method selected shall apply to all family cases.

- (a) **Concurrent Payment and Budget Periods** — Grant for a particular month based only on income received and needs existing in that month.

Any deficiency in a previous month between total need and the sum of the aid payment and the income is not to be carried forward and allowed as a need in a subsequent month.

- (b) **Budget Planning with Subsequent Payment** — Grant for a particular month based on income received and needs existing and reported before the end of a prior budget planning period. If unforeseen changes in need or income occur, supplemental payment may be made if necessary to protect the child's welfare or local public funds.

The budget planning period will be a one-month period ending not more than one month prior to the date of the first installment.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

10-225 METHODS OF ESTABLISHING COUNTY FOSTER CARE RATES FOR AFDC CHILDREN (Continued)

10-225

.2 Procedure for Determining Foster Care Rates for Children in Foster Family Homes

Each county shall establish foster family home rates to pay for care and supervision, and for other needs which are provided to a child, under 18 years, who resides in a foster family home.

.21 Rates for Care and Supervision

A rate shall be established by the county for care and supervision for each of the four age groups listed below. Where the amounts vary for different age groups, the differences should reflect realistic variations in the kind of care required to provide appropriate care and supervision. Care and supervision of the infant and preschool age child, for example, may make necessary a higher rate than is paid for the child who is out of the home during part of the day. Such other factors should also be considered as the need to arrange for care for children of some age groups when the foster parents are away from home.

Provision should also be made, in determining the rate to be paid for care and supervision, for increasing the payments for care of children requiring special care as a result of health or behavior problems.

.211 Age Groups — A rate shall be established for each of the following age groups:

- Child under seven
- Child, seven through 12 years
- Boy, 13 through 17 years
- Girl, 13 through 17 years

.212 Items to be covered by the rates:

- Room and Board
- Clothing
- Personal Needs
- Recreation
- Transportation
- Education and Incidentals
- Supervision

.22 Provision for Other Needs

In establishing the payments for care of children in foster family homes, the county shall make provision for costs of other items identifiable to the child's special needs (see Section 44-267).

.3 Procedure for Determining Foster Care Rates for Children in Private Institutions

The rate for a child placed in a private institution is the amount charged by the institution, as negotiated by the county. The rate for institutional foster care shall be established in whole dollars.

See Sections 44-267, 44-315.52 and 44-323 regarding special need and payments for children living in a private institution.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective 1/28/72:

- 44-266 SPECIAL NEED FOR EXCESSIVE COST OF UTILITIES
- 44-268 SPECIAL NEED FOR TELEPHONE
- 44-270 SPECIAL NEED FOR CLOTHING
- 44-272 SPECIAL NEED FOR HOUSEHOLD SUPPLIES AND FOR ESSENTIAL EQUIPMENT
- 44-274 SPECIAL NEED FOR LAUNDRY
- 44-276 SPECIAL NEED FOR TRANSPORTATION ESSENTIAL TO HOME MANAGEMENT
- 44-278 SPECIAL NEED FOR HOUSEKEEPING SERVICE
- 44-279 SPECIAL NEED FOR THERAPEUTIC DIET
- 44-280 SPECIAL NEED FOR CHILD IN FOSTER CARE
- 44-281 MEDICAL NEEDS - GENERAL

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

January 28, 1972

RECEIVED FOR FILING

JAN 23 1972

Office of Administrative Procedure

CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on December 16, 1971, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Section 43-103	Effective 12/16/71
43-109.3	" "
43-109.4	" "
43-109.41	" "
43-109.42	" "
43-109.5	" "
43-109.51	" "
43-109.6	" "
43-109.7	" "
43-111.16	" "
43-111.161	" "
43-111.162	" "
43-111.42	" "
43-111.421	" "
43-111.422	" "

State Department of Social Welfare

By

ROBERT B. CARLESON, Director

FILED

In the office of the Secretary of State
of the State of California

JAN 28 1972

At 2:20 o'clock P.M.
EDMUND G. BROWN Jr., Secretary of State
By [Signature] Deputy Secretary of State

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

RECEIVED FOR FILING

JAN 31 1972

Office of Administrative Procedure

- In the Matter of a Demonstration
to Provide Services to Former and
Potential Recipients Residing in
the City of Compton Model Cities
Demonstration Area

ORDER

FILED
In the office of the Secretary of State
of the State of California

JAN 31 1972

At 1:55 o'clock P. M.
EDMUND G. BROWN, Jr., Secretary of State
By David M. Huettner
Deputy Secretary of State

I

With the approval of the United States Department of Health, Education, and Welfare for a waiver of statewideness already received under the provisions of Section 1115 of the Social Security Act, the State Department of Social Welfare proposes to conduct an experimental project, in and jointly with Los Angeles County, to demonstrate that the concentration and coordination of social and rehabilitation services and resources in a defined area will meet the expressed needs of the residents and will improve their ability to function independently. The objective of the demonstration is to provide complete day care center facilities on a full-time and extended basis for a total of up to thirty children who reside in the area served by the City of Compton Model Cities Program.

II

In order to conduct and administer the project, it is necessary to waive the enforcement of certain regulations governing the public assistance program for the period to begin on February 1, 1972, and end on or before January 31, 1975.

III

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following regulations effective February 1, 1972, but only in the manner and to the degree required by the nature of the project:

CHAPTER 10-070 PERSONS TO BE SERVED

10-070	Regulations are modified to test the benefits of providing
thru	specific defined services to persons residing in the area
10-072	served by the project.

There will be no additional State funds involved as a result of this project.

Robert B. Carleson
Director of Social Welfare

By

JOHN A. SVAHN
Deputy Director

DATE: January 18, 1972

Effective February 1, 1972

LEGAL NOTICE

PROPOSED DEMONSTRATION PROJECT TO PROVIDE SERVICES TO FORMER AND POTENTIAL RECIPIENTS RESIDING IN THE CITY OF COMPTON MODEL CITIES DEMONSTRATION AREA

With the approval of the United States Department of Health, Education, and Welfare for a waiver of statewideness already received under the provisions of Section 1115 of the Social Security Act, the State Department of Social Welfare proposes to conduct an experimental project, in and jointly with Los Angeles County, to demonstrate that the concentration and coordination of social and rehabilitation services and resources in a defined area will meet the expressed needs of the residents and will improve their ability to function independently. The objective of the demonstration is to provide complete day care center facilities on a full-time and extended basis for a total of up to thirty children who reside in the area served by the City of Compton Model Cities Program.

In order to conduct and administer the project, it is necessary to waive the enforcement of certain regulations governing the public assistance program for the period to begin on February 1, 1972, and end on or before January 31, 1975.

For the purpose of this project and pursuant to Section 18204 of the Welfare and Institutions Code, I hereby waive the operation of the following regulations effective February 1, 1972, but only in the manner and to the degree required by the nature of the project:

Chapter 10-070 Persons to be Served

10-070 through 10-072

There will be no additional State funds involved as a result of this project.

Robert B. Carleson
Director of Social Welfare

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

FEB 2 1972

Office of Administrative Procedure

ENDORSEDAPPROVED FOR FILING
(GOV. CODE 11000.5)

FEB 2 1972

Office of Administrative Procedure

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: January 28, 1972

By: 

Director

(Title)

FILEDIn the office of the Secretary of State
of the State of California

FEB 2 - 1972

At 4:05 o'clock P.M.

EDMUND B. BROWN Jr., Secretary of State

By: 
Deputy Secretary of State

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After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 30-155.7
30-158.11
30-158.23
30-162.2
30-163.3
42-101.31
42-103.2
44-103.24
44-103.242
44-213.51

New:

Section 44-213.56

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**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

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1. Chapter 1748, Statutes of 1971 (Assembly Bill 2887) provides that whenever, in any provision of law, the term "21 years of age" or any similar phrase regarding such age appears, it shall be deemed to mean "18 years of age."
2. Welfare and Institutions Code Section 11253 refers to "less than 21 years of age" as the maximum age for a child eligible for the AFDC program. Chapter 1748, Statutes of 1971, provides that this phrase shall be deemed to mean "less than 18 years of age."
3. Implementation of this legislation must be accomplished through regulations adopted by the Director of the State Department of Social Welfare.
4. In order to implement this legislation on its effective date of March 4, 1972, it is necessary to adopt these regulations on an emergency basis.
5. The regulatory changes set forth above are adopted as emergency measures to become effective March 4, 1972, to comply with the requirements of Chapter 1748, Statutes of 1971.

CONTINUATION SHEET
I --- FILING ADMINISTRATIVE REGUL. DMS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-155 REQUIREMENTS FOR REFERRAL OF AFDC RECIPIENTS TO EMPLOYMENT 30-155
OR REHABILITATION LEADING TO EMPLOYMENT (Continued)

AFDC .7 A youth, age 16 through 17, who is not in school, shall be required to apply for and accept a bona fide offer of employment unless an educational plan is under active consideration for implementation within 90 days, or when employment is not feasible because of disability. (See Section 44-103.21.)

30-158 PENALTY FOR REFUSAL TO COOPERATE WITHOUT GOOD CAUSE 30-158
(Continued)

AFDC .11 A parent, or youth, age 16 through 17, referred to WIN who does not have good cause for refusal to apply for or accept employment or training as defined in Section 30-157 and determined by the Department of Human Resources Development, shall be offered a 60-day counselling period to reconsider the refusal.

30-158 PENALTY FOR REFUSAL TO COOPERATE WITHOUT GOOD CAUSE 30-158
(Continued)

AFDC .23 An AFDC youth, age 16 through 17, not in school and not referred to WIN, who does not have good cause for refusal to apply for or accept a bona fide offer of employment or training, renders himself ineligible for inclusion in the assistance grant. (See Sections 30-155.7 and 44-103.24.)

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-162 PERSONS APPROPRIATE FOR REFERRAL TO WORK INCENTIVE PROGRAM 30-162
(Continued)AFDC .2 AFDC Youth 16 or 17 Years of Age

All AFDC youth, age 16 through 17, who have left school or training within the past 30 days, who are not disabled, and who do not have current educational plans which will be implemented within 90 days, shall be referred promptly to WIN.

30-163 PERSONS NOT APPROPRIATE FOR REFERRAL TO WIN (Continued) 30-163

AFDC .3 A youth age 16 through 17 who is attending school full time or who will return to school within 90 days.

42-101 AGE REQUIREMENT (Continued) 42-101

AFDC .31 Aid may be granted in behalf of a child to an unmarried person beyond his 17th birthday if he has not yet reached his 18th birthday and;42-103 DEFINITION OF REGULAR SCHOOL OR TRAINING PROGRAM ATTENDANCE 42-103
(Continued)AFDC .2 Regular Attendance in a Training Program - Participation in a planned coordinated program of work experience, training (including apprenticeship training) and related instructions designed to prepare the child for a vocation. A child age 16 through 17 who accepts referral to WIN and otherwise meets conditions established for WIN participants is considered to meet the age requirement from the date of referral, even though actual enrollment in training is precluded by the lack of WIN training slots.

Effective March 4, 1972

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CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION 44-103
(Continued)

AFDC .24 In AFDC, the parents and children age 16 through 17 years of age are also responsible for applying for or accepting a bona fide offer of employment under a plan of self-support established by the social services system (see Sections 30-153 and 30-155).

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION 44-103

AFDC .242 Refusal without good cause by a child age 16 through 17 years of age to apply for or to accept employment, when the child is not in school or has no bona fide educational plan under consideration for implementation within the next three months, shall make the child ineligible for aid and shall result in such child's removal from the family budget unit (see Section 44-213.56).

44-213 THE FAMILY BUDGET UNIT (Continued) 44-213

AFDC .51 Exclude a child who is age 17 and who

44-213 THE FAMILY BUDGET UNIT (Continued) 44-213

.56 Exclude a child who is age 16 through 17 who refuses without good cause to apply for or accept employment (see Section 44-103.242).

Effective March 4, 1972

FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

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FEB 25 1972

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11380.2)

FEB 25 1972

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: February 25, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

FEB 25 1972

At 4:20 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: *Marjorie R. Hershberger*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-305.222

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The regulatory changes set forth above are adopted as emergency measures to become effective upon filing to continue the authority under which 34 counties now determine budgets in the Aid to Families with Dependent Children Program.
2. On September 3, 1971, emergency regulations were duly filed with the Secretary of State in order to bring the California State plan into compliance with Section 205.10, Title 45, Code of Federal Regulations.
3. These regulations became operative on September 10, 1971.
4. Section 22-022.1 thereof provides in part: "Where the county action would result in a termination, suspension or reduction of an assistance grant, the county must mail to the person affected, at least fifteen days prior to the effective date of that action, a written notice...."
5. A county was allowed up to 15 days after the end of its established budget planning period to deliver the first warrant of the corresponding payment period.
6. However, recipients are allowed about 5 days of this period to return their monthly reports of income and expenses. The 34 counties affected, therefore, did not have time to give notice of any appropriate action before the next warrant must be delivered.
7. The United States District Court for the Northern District of California retained jurisdiction in the case of Wheeler v. Montgomery so as to determine the adequacy of notice of reductions, terminations and suspensions of categorical aid pursuant to the regulations mentioned in paragraph 2 above.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

8. The enforcement mechanism available to this court is a finding of contempt of court for which the penalty may be imprisonment and/or a fine.
9. The resulting inconsistency between departmental regulations and the potential penalties attending this situation threatened to paralyze the administration of Social Welfare in 34 counties of this state, cause an unnecessary waste of public funds and place administrators of the welfare system in personal jeopardy.
10. On October 29, 1971, emergency regulations were filed to permit such counties adequate time to take appropriate action in compliance with Section 22-022.1.
11. To avoid the consequences set forth in paragraph 9 above it is necessary to adopt the regulatory changes set forth above as emergency measures.

The revision filed above must, therefore, be adopted as an emergency measure to become effective upon filing with the Secretary of State.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

AFDC

.222 When the county elects to make payments on the basis of the budget planning method specified in Section 44-315.511(b), the first installment shall be delivered not later than one month following the end of the established budget planning period. The other installment shall be delivered not more than 15 calendar days after the first installment.

DO NOT WRITE IN THIS SPACE

Effective 2/25/72

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

February 25, 1972

CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency has, within 120 days of the effective date of the emergency regulations (or order of repeal) filed with the Secretary of State on 11/1/71, given notice of the adoption thereof and afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that provided by Sections 11423, 11424, and 11425, Government Code.

Revised Sections: 44-329.12 Effective 11/1/71

44-331
44-331.11
44-333.1
44-333.3
44-335.1
44-335.2
44-335.21
44-335.22
44-335.221
44-335.241
44-335.244New Sections: 44-335.231
44-335.232

Repealed Section: 44-335.3

State Department of Social Welfare

By


ROBERT B. CARLESON, Director

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FEB 25 1972

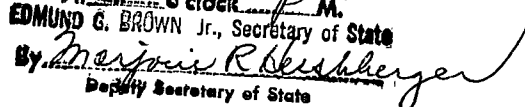
Office of Administrative Procedure

FILEDIn the office of the Secretary of State
of the State of California

FEB 25 1972

At 4:20 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By 
Deputy Secretary of State